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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 4th August, 2023:—

BILL NO. 63 OF 2023

A Bill to provide for the establishment of a Permanent Bench of the High Court of Kerala at Thiruvananthapuram.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:–

Short title and commencement.

1. (*1*) This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Thiruvananthapuram) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment of a Permanent Bench of High Court of Kerala at Thiruvananthapuram.

2. There shall be established a permanent Bench of the High Court of Kerala at Thiruvananthapuram and such Judges of the High Court of Kerala, being not less than five in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Thiruvananthapuram in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the district of Thiruvananthapuram and such other territories within that State as the President may by notification specify.

STATEMENT OF OBJECTS AND REASONS

The principal seat of the Kerala High Court is at Ernakulam, which is situated at a distance of 200 kilometers from the State Capital, Thiruvananthapuram. Ever since the formation of the State of Kerala in 1956, there has been a demand for the establishment of a permanent Bench at the State Capital.

It has been observed that the State is a principal litigant in a majority of cases pending in the High Court of Kerala. This leads to the State Government incurring considerable expenditure on account of travelling allowance and leave allowance given to the Government employees for travelling from Thiruvananthapuram, the state capital to Ernakulam for depositions.

Moreover, it has been the policy of the successive Governments that justice should be taken to the doors of the litigants and therefore the litigants should not be compelled to go long distance to the Court. In the interest of administration of justice, the court must be easily accessible to the litigants and witnesses.

It will be, therefore, appropriate if a Bench of High Court is established at Thiruvananthapuram in the State of Kerala.

Hence this BIll.

NEW DELHI;
February 17, 2023.

SHASHI THAROOR

BILL NO. 99 OF 2023

A Bill to prohibit violence against healthcare personnel and damage or loss to property of healthcare Institutions and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and Commencement.

1. (*1*) This Act may be called the Healthcare Personnel and Healthcare Institutions (Prohibition of Violence and Damage to Property) Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

(*a*) "appropriate Government" means in the case of State, the Government of that State and in all other case, the Central Government;

(*b*) "Healthcare Institutions" means—

(*i*) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium, mobile medicare units, e-medicine and tele-medicine centres or an institution by whatever name called that offers services, facilities requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine established and administered or maintained by any person or body of persons, whether incorporated or not; or

(*ii*) a place established as an independent entity or part of an institution referred to in sub-clause (*i*), in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, Biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not; and shall include a healthcare institution owned, controlled or managed by—

(*a*) the Government or a department of the Government; or a Public Sector Undertaking or Autonomous Body of the Government;

(*b*) a trust, whether public or private;

(*c*) a corporation (including a society) registered under a Central, or Provincial or State Act, whether or not owned by the Government;

(*d*) a local authority; and

(*e*) a single doctor.

Explanation.— For the purposes of this clause, a mobile medical unit or an ambulance shall be deemed to be a healthcare institution if such vehicle is fitted with medical equipment and is used for providing healthcare service.

(*c*) "healthcare personnel" include—

(*i*) a registered medical practitioner, possessing a recognized medical qualification as defined in clause (r) of section 2 of the National Medical Commission Act, 2019, and enrolled in a State Medical Register as defined in clause (*v*) (w) of that section; 30 of 2019.

(*ii*) a medical practitioner registered for practising in any other system of medicine which is recognized under any law for the time being in force;

(*iii*) a registered dentist, registered dental hygienist and registered dental mechanic shall have the same meaning as assigned to them in the Dentist's Act, 1948; 16 of 1948.

(*iv*) a registered nurse, midwife, auxiliary nurse-midwife and health visitor who is registered as such under section 15A of the Indian Nursing Council Act, 1947; 48 of 1947.

(*v*) a medical student who is undergoing education or training in any system of medicine recognized by any law for the time being in force;

(*vi*) a nursing student who is undergoing education or training in nursing profession;

(*vii*) para-medical workers, para-medical student;

(*viii*) diagnostic services provider, and ambulance driver and helper;

(*ix*) security personnel designated by the healthcare institution;

(*x*) administrative and other staff of the healthcare institution;

(*xi*) Accredited Social Health Activists (ASHA); and

(*xii*) any other category of persons notified by the appropriate Government from time to time;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "property" means any property movable or immovable or medical equipment or medical machinery owned by or in possession of, or under the control of any healthcare personnel or healthcare Institution;

(*f*) "verbal abuse' means the words used with the intention to insult or humiliate the healthcare personnel;

(*g*) "violence" includes any of the following acts committed by any person against healthcare personnel which causes or may cause—

(*i*) harassment impacting the living or working conditions of such healthcare personnel and preventing them from discharging his duties;

(*ii*) harm, injury, hurt, intimidation or danger to the life of such healthcare personnel, either within the premises of a healthcare institution or otherwise;

(*iii*) obstruction or hindrance to such healthcare personnel in the discharge of his duties, either within the premises of a healthcare institution or otherwise; or

(*iv*) loss or damage to any property or documents in the custody of, or in relation to, such healthcare personnel; and

45 of 1860.
2 of 1974.

(*h*) words and expressions used herein and not defined, but defined in the Indian Penal Code, 1860 or in the Code of Criminal Procedure, 1973 shall have the same meanings, respectively as assigned to them in those Codes.

Prohibition of violence.

3. No person shall indulge in any act of violence against a healthcare personnel or cause any damage or loss to any property in a healthcare institution.

Offences and penalties.

4. (*1*) Whoever commits an act of verbal abuse to a healthcare personnel shall be punished with simple imprisonment for a term which may extend up to three months, or with fine which may extend up to fifty thousand rupees, or with both.

(*2*) Whoever commits violence or abets or incites commission of violence against any healthcare personnel or abets or incites or causes damage or loss to any property of a healthcare institution, shall, upon conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend up to five years, and with fine, which shall not be less than fifty thousand rupees but which may extend up to five lakh rupees;

(*3*) Whoever, while committing violence as referred to in sub-section (*2*) causes grievous hurt as defined in section 320 of the Indian Penal Code, 1860 to any healthcare personnel, shall, upon conviction, be punished with imprisonment for a term which shall not be less than three years, but which may extend up to seven years, and with fine, which shall not be less than two lakh rupees, but which may extend up to ten lakh rupees.

45 of 1860.

Offence to be cognizable and non-bailable.

2 of 1974.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.

Information, investigation and trial of offences.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974.

(*i*) upon a written request of the aggrieved healthcare personnel, it shall be mandatory for the person in charge of a healthcare institution to inform the officer in charge of the concerned police station of the commission of an offence under this Act;

(*ii*) on receiving a complaint either from the institution or the affected healthcare personnel, a First Information Report should be registered within one hour of receiving the complaint;

(*iii*) any case registered under this Act shall be investigated by a police officer not below the rank of Inspector and investigation of such cases shall be completed within a period of thirty days from the date of registration of the First Information Report and such investigation shall be supervised by senior police officer not below the rank of Deputy Superintendent of Police;

(*iv*) in every inquiry or trial of a case under this act, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded, and an endeavour shall be made to ensure that the inquiry or trial is concluded within a period of one year:

Provided that where the trial is not concluded within the said period, the Judge shall record the reasons for not having done so:

Provided further that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding six months at a time;

(*v*) for the purpose of providing for speedy trial, all cases registered under this Act shall be tried in designated special courts, which the State Government shall, with the concurrence of the High Court by notification in the official Gazette, set up in each district; and

(*vi*) for every Special Court the State Government may, by notification in the Official Gazette, designate Special Prosecutor for the purpose of conducting cases in that court.

Composition of Certain Offences.

7. Where a person is prosecuted for committing an offence punishable under sub-section (*1*) and sub-section (*2*) of section 4, such offence may, with the permission of the Court, be compounded by the personnel against whom such act of violence is committed.

Presumption as to certain offences and culpable mental state.

8. (*1*) Where a person is prosecuted for committing an offence punishable under sub-section (*3*) of section 4, the Court shall presume that such person has committed such offence, unless the contrary is proved.

(*2*) In any prosecution for an offence under sub-section (*3*) of section 4 which requires a culpable mental state on the part of the accused, the Court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation.—For the purposes of this section,—

(*a*) a fact is said to be proved only when the Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability; and

(*b*) "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

Composition for acts of violence.

9. (*1*) In addition to the punishment provided for the offence punishable under sub-section (*2*) and sub-section (*3*) of section 4, the convicted person shall be liable to pay, by way of compensation,—

(*i*) such amount, as may be determined by the Court for causing hurt or grievous hurt to any healthcare personnel.

(*ii*) in case of damage to any property, or loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property or the loss caused, as may be determined by the Court.

(*2*) If the convicted person does not pay the compensation granted the said sum shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890 in such manner as may be prescribed.

1 of 1890.

Application of other laws not barred.

10. The provisions of this Act shall be in addition to, and not, save as otherwise expressly provided, in derogation of any other law for the time being in force.

Power of Central Government to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

12. (*1*) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of section 11.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) installation of CCTV cameras and round the clock Quick Reaction Teams with effective communication, security gadgets particularly at casualty, emergency and areas having high footfalls;

(*b*) security of sensitive healthcare institution to be managed by a designated and trained force;

(*c*) entry restriction of entry of undesirable persons in the healthcare institution premises and other areas as may be specified;

(*d*) display of important information addressing the stakeholders in every healthcare institution and police station;

(*e*) appointment of Nodal Officer to monitor registered cases of medical negligence;

(*f*) expeditious filling up of vacant posts of doctors and para-medical staff in healthcare institution and Primary Health Centres (PHCs) to avoid excessive pressure on doctors and to maintain global doctor-patient ratio;

(*g*) better infrastructural facilities and medical equipment and provision of extra monetary incentive for the doctors and para-medical staff serving in remote areas as compared to major and metro cities with better career prospects; and

(*h*) standard operating procedures regarding the manner in which persons in custody, accused or otherwise are to be presented in healthcare institution and before healthcare personnel.

STATEMENT OF OBJECTS AND REASONS

The increasing and repeated instances of violence against healthcare personnel represents a complex and grave challenge that must be addressed on a priority basis. Violence in any form and in any setting is reprehensible. However, acts of violence against medical professionals and on healthcare institutions are the most extreme and should be dealt with an iron hand.

While there is no central data on the number of assault cases against healthcare personnel or health facilities, the Indian Medical Association (IMA) estimates that 75 percent of all doctors face some form of verbal and physical abuse during their service, with cases of violence severely underreported. International organizations, such as the World Health Organization (WHO) and the International Council of Nurses (ICN), have also recognized the issue of violence against healthcare workers as a global concern.

The legislative lacunae only further complicate our ability to address this challenge. Currently, no national-level law, including the Indian Penal Code (IPC), 1860 and Code of Criminal Procedure (CrPC), 1973 comprehensively and categorically addresses the issue. State Laws vary: the existing laws are weak in their implementation, vary a lot and lack scope to protect all Healthcare personnel. Infact, several States and Union Territories have no laws at all.

It is submitted that while 'Health' and 'Law and Order' are state subjects, the Parliament is competent to legislate on matters related to 'Legal, Medical and other professions' as listed in Entry 26, List 3 (Concurrent List) of the Seventh Schedule to the Constitution of India. Infact, in 2019, the Central Government had introduced a draft Bill titled the Healthcare Service Personnel and Clinical Establishments (Prohibition of Violence and Damage to Property) Bill which would have made such violence a non-bailable and cognisable offence with a jail term of up to five years. But this was withdrawn before it could be considered by Parliament.

Our healthcare professionals are neither adequately appreciated nor protected and it is imperative to realise that this is not just a medical fraternity issue. Violence against them also weakens the healthcare ecosystem and affects the quality of services provided to patients, in turn, leading to a further risk of violence.

On May 10, 2023, a young doctor, committed to using her training and education in the serve of humanity, had her life tragically taken away from her at the hands of a patient she was seeking to heal. Her death must not just serve as a reminder of the consequences of our inaction but become a call to action, particularly towards ensuring that the legislative lacuna is addressed so that no doctor has to worry about their own safety in the line of duty.

This, therefore, necessitates a comprehensive central legislation to put a check on such violence at the earliest, to promote a safe work environment for doctors and other healthcare personnel and to serve as a model for state laws.

Hence this Bill.

NEW DELHI;
July 3, 2023.

SHASHI THAROOR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 and Clause 12 of the Bill empower the Central Government and the State Government respectively to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 250 OF 2022

A Bill to provide for prevention of violence against journalists and protection of journalists, their institutions, properties and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-third year of Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Journalist (Prevention of Violence and Damage or Loss to the Property) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "journalist" means a person whose principal avocation is that of a journalist and who is employed as such, either whole-time or part-time, in, or in relation to a visual or print media establishment, such as editor, a leader writer, news-editor, sub-editor, feature-writer, copy-tester, reporter, correspondent, cartoonist, news-photographer, news reader, news videographer but does not include any such person who is employed mainly in a managerial or administrative capacity;

(*b*) "institutions" includes any registered newspaper establishment, news channel establishment, news based electronic media establishment or news station establishment and all institutions of Journalist involved in discharge of his service as a Journalist;

(*c*) "offenders" means a person who either by himself or as a Member or Leader of group of persons commits or attempt to commit, abate, provoke or incite the commission of violence under this Act;

(*d*) "property" means any property movable or immovable, owned or in possession of or under the control of any journalist or any Institution for discharging his service or duty as a journalist; and

(*e*) "violence" means an act which causes any harm, injury or endanger of life or intimidation, obstruction or harassment or coercion or assault of criminal force or threat to journalist in discharge of his service or duties or causes to be the reason for damage or loss to the property or reputation of a journalist or an institution.

Violence against journalist to be punishable.

3. Whoever commits violence against a journalist shall be punished with imprisonment for one year or with imprisonment of either description of a term which shall not be less than one year and which may extend upto three years and shall also be liable to pay fine.

Compensation.

4. In addition to the punishment specified under section 3, the offender shall be liable to pay compensation for damage or loss caused to the property of journalist or any Institution as may be determined by the Court and he shall also be liable to reimburse medical expenditure incurred by the journalist:

Provided that if the offenders fails to pay the compensation and medical expenditure imposed, the same shall be recovered as if it were arrears of land revenue.

Cognizance of offence.

5. Any offence committed under this Act shall be cognizable non-bailable and triable by the Court of Judicial Magistrate of First Class.

Investigation.

6. Any case registered under section 3 shall be investigated by a Police Officer not below the rank of Deputy Superintendent of Police in such manner as may be prescribed.

Act to supplement other laws.

7. The provision of this Act shall be in addition to and not in derogation of provisions of any other law for the time being in force.

Application of Code of Criminal Procedure.

8. The provisions of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) shall apply to the proceedings as per the provisions of the Act.

Power to make rules.

9. (*1*) The Central Government shall after taking consent of the Bar Council of India by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The violence against the Journalists are increasing. The journalist exposed to every kind of attack including police violence against the reporters and reprisals instigated by criminal groups or corrupt local officials. There have been consistent attacks on Journalists who question or criticise the ruling dispensation. The violence pervades the profession of journalism today. The Journalist in India face a range of threats including censorship, economic hardships and job insecurity. The journalists are routinely threatened, intimidated, arrested, booked and silenced. The situation adversely affect the right granted by Article 19(*1*) of the Constitution for freedom of speech and expression. The independent and fearless media is required to strengthen the democracy.

Hence the protection of Journalists, their institutions and property against violence is necessitated. The Bill, therefore, seeks, to provide for the prevention of violence against the Journalists, their institutions and property.

NEW DELHI;
November 19, 2022.

N.K. PREMACHANDRAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government and State Government to make rules for carrying out the purpose of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

Bell No. 257 of 2022

A Bill to provide for prevention of violence against Advocates and protection of Advocates, their institutions, properties and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Advocates (Protection) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,–

(*a*) "advocate" shall have the same meaning as provided under Section 2 (*1*) (*a*) of the Advocates Act, 1961; 25 of 1961.

(*b*) "institution" means all institutions discharging of legal services;

(*c*) "offender" means a person who either by himself or as a member or leader of group of persons commits or attempt to commit, abate, provoke or incite the commission of violence under this Act;

(*d*) "property" means any property movable or immovable, owned by or in possession of or under the control of any advocate or institution for discharging his service or duty as an advocate; and

(*e*) "violence" means an act which causes any harm, injury or endanger of life or intimidation, obstruction or harassment or coercion or assault or criminal force or threat to advocate in discharge of his service or duties or causes to be the reason for damage or loss to the property or reputation of an advocate or an institution.

Punishment for committing violence against advocate.

3. Whoever commits violence against an advocate shall be punishable with imprisonment for two years or with imprisonment of either description for a term which may extend to five years and shall also be liable to fine:

Provided that if offender fails to pay the compensation and medical expenditure im- posed the same shall be recovered as if it were arrears of land revenue.

Compensation for damages caused.

4. In addition to the punishment specified in Section 3, the offender shall be liable to pay compensation for damage or loss caused to the property of an advocate as may be determined by the Court and he shall also be liable to reimburse medical expenditure incurred by the advocate.

Offence to be non-bailable.

5. An offence committed under this Act shall be cognizable, non-bailable and triable by the Court of Sessions.

Jurisdiction.

6. Notwithstanding anything contained in Code of Criminal Procedure, 1973 the Police Officer not below the rank of Superintendent of Police shall investigate any offence under this Act. 2 of 1974.

Advocate deemed to be officer to legal institution.

7. Any advocate appearing for a party before the court or tribunal or authority including police shall be deemed to be an officer of such institution and entitled for protection available to such officers as public servant.

Act not to be in derogation of other laws.

8. The provision of this Act shall be in addition to and not in derogation of provisions of any other law for the time being in force.

Application of the Code of Criminal Procedure, 1973.

9. The provisions of Code of Criminal Procedure, 1973 shall apply to the proceedings as per the provisions of this Act. 2 of 1974.

Power to make rules.

10. (*1*) The Central Government shall, after taking consent of the Bar Council of India, by notification in Official Gazette, make rules for the purpose of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba, 1990 in which India was a participant has adopted the basic principles on the role of Lawyers. Clause 16 to 18 of the same guarantees for the functioning of Lawyer.

The Supreme Court of India also observed that the bar is an extension of system of justice, an Advocate is an officer of Court. The recent incidents of assault, criminal force, intimidation and threats caused to Advocates while discharging their professional duties is also grave in nature. Advocates in due discharge of their professional duties also face the threat of malicious and frivolous prosecution by the rival parties including Police and other authorities. The United Nations Human Rights Council on Independence of Judges and Lawyers –A/HRC/RES/29/6 wherein, while acknowledging the fact that the principle of confidentiality in lawyers' communication with clients is violated, and they are denied free access to their clients and documents it was decided as follows:

"Calls upon all States to guarantee the independence of lawyers who promote and defend human rights. Provide assistance to human rights defenders, journalists and activists and their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind".

The aforesaid United Nations Resolutions, Supreme Court Judgments and the recent incidents necessitated a legislation for the protection of advocates in the country.

The Bill therefore seeks to provide for the prevention of violence against the Advocates, their institutions and property.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 21, 2022.

N.K. PREMACHANDRAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

BILL NO. 251 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 201.

2. In article 201 of the Constitution, for the words "President shall declare'', the words, "President shall, within a period of six months from the date of receipt of message regarding declaration by the Governor that he reserves the Bill for consideration of the President, declare''.

STATEMENT OF OBJECT AND REASONS

Article 201 of the Constitution specifically states that "When A Bill is reserved by a Governor for the consideration of President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom". But no time stipulation is provided in the Constitution.

Due to the lack of time stipulation various Bills passed by the Legislature of different States are pending for long time without a declaration. If no decision is taken on the Bills passed by State Legislature it will adversely affect the Legislative process. The declaration regarding the assent is prolonged taking the advantage that there is no time stipulation. Hence it is necessary to amend article 201 by inserting specific time limit for assents to the Bill by the President.

Hence this Bill.

NEW DELHI;
November 21, 2022.

N.K. PREMACHANDRAN

BILL NO. 228 OF 2022

A Bill further to amend the Census Act, 1948.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Census (Amendment) Bill, 2022. Short title and commencement.

(*2*) It shall come into force with immediate effect.

37 of 1948. **2.** For section 3 of the Census Act, 1948, (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— Substitution of new section for section 3.

"3. (*1*) The Central Government shall, by notification in the Official Gazette, declare its intention of taking a census in the whole or any part of the territories to which this Act extends, decennially (every ten years), and thereupon the census shall be taken. Central Government to take census.

(*2*) The Central Government shall release the latest Census data in the year 2024 and thereupon the Census shall be conducted and be made public decennially:

Provided that in exceptional circumstances, the release of Census data may be delayed by not more than two years:

Provided further that if when the Central Government fails to release decennial Census data, the Central Government shall lay the reasons for such delay before each House of Parliament and get approval of the House with at least two thirds majority."

Explanation.— For the purpose of this section,—

"(*a*) 'census' shall include information about the education, income and caste of the population (individuals or households), in addition to the demographic parameters;

(*b*) "income" of the population shall include the source of income, level of income and any other parameters representing disposable income of the households; and

(*c*) "caste of population" shall mean the self declaration of the name of the caste and sub-caste by individuals or households.".

STATEMENT OF OBJECTS AND REASONS

The Census Act, 1948 governs the conduct and release of census data in India. This law in its present form does not have provisions mandating the timing and frequency of census in our country. For a diverse country like India, census data is very crucial as it provides information about the growth, development of citizens across gender, communities, age groups and regions. This serves as an important tool through which the Government can design new policies for population groups that are stagnating and identify target populations for their policies.

In India where there is much diversity in social, income and education status, census can also validate backwardness of certain communities. In K.Krishna Murthy and others v/s. Union of India (2010), the Supreme Court held that it cannot comment on the quantum of reservation provided for Other Backward Classes (OBCs) without contemporaneous empirical data about the nature and implications of backwardness. It held the Executive responsible for conducting rigorous empirical inquiry into the patterns of backwardness that act as barriers to political participation of OBCs.

Following the judgment, to study the social, educational and economic backwardness of OBCs the Centre initiated empirical enquiry into OBCs on 02 October, 2011 in the form of Socio-Economic and Caste Census (SECC), 2011. But this SECC, 2011 data is withheld by the Central Government on the pretext of inaccuracy of the data, when in fact the Registrar General and Census Commissioner of India has deposed before the Standing Committee on Rural Development in 2016 that data has been examined and 98.87% data on individuals' caste and religion is error free. The Central Government contradicted itself by further claiming in the Parliament that no study was undertaken by them on OBCs.

Since the political participation of more than 56,000 OBCs in Maharashtra and 9 lakh OBCs across India, through reservation in local Government is threatened, it is imperative to conduct a census that includes information about the education, income and caste of the population, in addition to the demographic parameters.

This Bell aims to precisely do this, by stipulating timing and frequency of census and by inclusion of caste, income related parameters in the regular census itself. This provision does away with the need for undertaking a completely new Socio-Economic and Caste Census. The Bill, thus, bestows liability on the Central Government to conduct empirical study on the progress and backwardness of various communities across the country and release the data decennially (every ten years).

Political reservation of communities and their participation in local-self government is important as it empowers the community that the elected representative belongs to. The objectives of democratic decentralisation are not only to bring governance closer to the people, but also to make it more participatory, inclusive and accountable to the weaker sections of society. Many States including Maharashtra, Karnataka, Madhya Pradesh, Himachal Pradesh and Kerala are experiencing roadblocks to conducting local body elections due to a lack of empirical data on OBCs.

NEW DELHI ;
19 *November*, 2022.

SUPRIYA SULE

BILL NO. 273 of 2022

A Bill further to amend the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (hereinafter referred to as the principal Act), in sub-section (*1*),

(*i*) for clauses (*d*) and (*e*) the following clauses shall be substituted, namely:—

'(*d*) "hazardous cleaning" by an employee, in relation to sewer or septic tank means entering into a septic tank or sewer to manually clean it;'

(*e*) "insanitary latrine" means a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes.

(*ii*) in clause (*g*), in the explanation for clause (*a*), the following clause shall be substituted, namely—

'(*a*) "engaged or employed" means being engaged or employed on a regular, contract, private, casual or daily wage basis or any other forms of employment;'

Amendment of section 6.

3. In section 6 of the principle Act, after sub-section (*2*) the following sub-section shall be inserted, namely:—

"(*3*). If any government agency, body or officer engage in a contract with a private entity for sewer or septic tank cleaning and that private entity employ manual scavengers for the purpose, then the government officer concerned shall also be liable under this act and shall be punished herewith under section 8.".

Insertion of new sections 7A, 7B, 7C and 7D.

4. After section 7 of the Principle Act, the following sections shall be inserted namely:—

Conversion of manhole into machine hole in mission mode.

"7A. The Central Government shall convert every manhole in the country to machine hole by the December 2024 in mission mode.

Central to procure sewer and septic tank cleaning machine.

"7B. The Central Government shall procure sewer and septic tank cleaning machines and employ person either on contractual or permanent basis by October 2023:

Provided that:—

(*a*) preference in employment shall be given to those who left manual scavenging and are currently unemployed but willing to work with machines.

(*b*) minimum wage per day of the persons employed shall be not less than one thousand rupees.

(*c*) person so employed shall be given health insurance by Union Ministry of Health and Family Welfare and a register in this behalf shall be maintained by the Ministry of all such employees, whether contractual or permanent."

Licence to Private Entities.

"7C.(*1*) No private entity shall employ workers for sewer and septic tank cleaning, using machines unless the requisite licence has been issued by the Ministry of Home Affairs.

(*2*) For issuance of licenses, the private entity shall submit details of machines, its memorandum and additional details covered under the Companies Act, 2013 in such manner as may be prescribed.

(*3*) Every employee employed by the private entity shall be eligible for the benefit available under section 7B.

(*4*) The Ministry of Home Affairs shall have power to conduct enquiry into the working of the Private Entity as and when it deems fit and it may revoke its license if private entity is found guilty of violation of any provision of this Act.

Prohibition on cleaning of sewer and septic tanks without machines approved.

7D. No manual scavenger shall be employed in cleaning of sewer and septic tanks without machines that have been approved solely by the Union Ministry of Home Affairs.".

Substitution of new section for section 8.

5. For section 8 of the principle Act, following section shall be substituted, namely:—

Penalty for contravention of section 5 or section 6 or section 7.

"8. Whoever contravenes the provisions of section 5 or section 6 or section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to five years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to seven years or with fine which may extend to five lakh rupees, or with both.".

Substitution of new section for section 9.

6. For section 9 of the Principle Act, the following sections shall be substituted, namely:—

Penalty in case of death of Manual Scavenger due to Hazardous cleaning of sewer and septic tank.

"9. Whoever found guilty for the death of manual scavenger due to hazardous cleaning of sewer and septic tank shall be punished under section 304 of Indian Penal Code, 1860 and the case shall be tried by a judicial officer with rank of not less than judicial Magistrate first class;

Provided that the expenditure of the court proceedings on behalf of deceased manual scavenger shall be borne by the concerned State Government in case of State judiciary and in case appeal goes to Supreme Court, the expenditure shall be borne by the Central Government."

Compensation to the dependent family members of deceased manual scavenger.

9A. The dependent family members of the deceased manual scavengers who has died due to hazardous cleaning of sewer and septic tanks shall be compensated with an amount not less than twenty lakh, within two months of death by concerned appropriate State Government."

Amendment of section 10.

7. In section 10 of the principle Act, for the words "except upon a complaint", the words, "either suo moto or upon a complaint" shall be substituted.

Amendment of section 13.

8. In section 13 of the principle Act, in sub-section (*1*) inserted after clause (*f*), the following clause shall be namely:—

"(*fa*). He shall be given additional five per cent horizontal reservation apart from the existing Scheduled Casts or the Scheduled Tribes reservation in education and employment opportunities by 31st May, 2023".

Amendment of section 20.

9. In section 20 of the principle Act,

(*a*) after sub-section (*1*), the following proviso shall be inserted, namely:— "Provided that at least six inspectors shall be appointed in each district"

(*b*) in sub-section (*2*) after clause (*d*), the following clause shall be inserted, namely:—

"(*da*) maintaining a register scavengers present in his district and record deaths of manual scavengers happened during hazardous cleaning of sewer and septic tank;".

Amendment of section 21.

10. For section 21 of the principle Act, the following section shall be substituted, namely:—

Offences to be tried by a judicial magistrate court.

"21. Offences under this Act shall be tried by not less than a first class judicial magistrate.

(*a*) An appeal against the order of judicial Magistrate First Class under sub-section (*1*) shall be filed either to the High Court or to the Supreme Court within ninety days of the judgement and appeal shall lie with district and session judge.".

Amendment of section 31.

11. In Section 31 of the Principal Act, in Sub-Section (*1*) after clause (*d*) the following clauses shall be inserted, namely:—

"(*da*) conduct survey and invite application for identification of manual scavengers to be filled by the applicant on its website or directly by requested post or through mail:

(*db*) inquire into the application within fifteen days of receipt of such application and reject or accept it within this time and the intimation of rejection or acceptance shall be sent immediately on the fifteenth day to the applicant;

(*dc*) identify a person to be a manual scavenger either suo moto or through the help of local authorities or any non-Governmental Organisation.

(*dd*) review application of a migrant manual scavengers for identification and being accepted as manual scavengers he shall be provided all the benefits available under this Act and provide assistance as mentioned in this act:

Provided that the migrant manual scavenger shall be a permanent resident of that place at least for last five years from the date of filling of application for identification.".

Insertions of new section 33A.

12. After Section 33 of the principle Act, the following section shall be inserted, namely:—

Awareness Programs and introducing chapter on Manual Scavenging in India in school curriculum.

"33A. The Central Government shall start awareness programs in general public to attract attention to problems of manual scavenging in India and for this purpose a separate chapter shall be introduced in school curriculum for students above 6th class, to create awareness and address this discriminatory practice.".

Insertions of new section 35A.

13. After Section 35 of the principle Act, the following section shall be inserted, namely:—

A Centralized Web Application where people can upload videos depicting manual scavenging.

"35A. A video application on the internet shall be maintained by the Central Government where any person can upload videos of manual scavengers indulging in hazardous cleaning of sewer and septic tanks with relevant information including place and people involved.

Provided that:—

(*a*) general public shall have access to view every uploaded videos on the application;

(*b*) the identity of the person who had uploaded video shall be kept secret; and

(*c*) only special inspector shall have a direct access to uploader's identity and he shall investigate the case within thirty days and upload the summary of the case and the action taken under the video on the application, barring the identity of the parties involved.".

STATEMENT OF OBJECTS AND REASONS

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 was enacted to completely ban manual scavenging in the country. It contains detailed provisions to eradicate this discriminatory and menacing practice. However, even after a decade of enforcing the Bill, Manual Scavenging still persists in the Country. Still, people die cleaning sewers and septic tanks. They are neither provided with any safety gears, nor a decent wage. Till date, a specific caste is made to do this menial job. They are stigmatized as soon as they are born and even in death, they are given no dignity. Throughout their life, they inhale toxic gases, are made to clean man holes with bare body and in case of mishaps, better to be described a murder; they are given no justice. It is very unfortunate that since its inception, hardly any conviction has been recorded in a manual scavengers' death case under this act.

According to the Government's reply this year in the Parliament, 347 people died during sewer and septic tanks cleaning in the last five years (2017-2022). The numbers are so grossly under reported, that it makes it hard to rely on them. As per the National Safai Karamchari Finance and Development Corporation's 20th Annual Report (2016-17) there were 26 lakh insanitary latrines in the country, of which 13.29 lakh were in urban areas and 12.71 lakh in rural areas. The report states that as of 31st March 2017, 12,742 manual scavengers have been identified in 13 states, which is prima facie disproportionate. It is inconceivable that 13,000 manual scavengers can excavate 26 lakh insanitary latrines. Under the Swachh Bharat Mission, sanitary latrines are being built in large numbers displacing insanitary ones but it has aggravated the problem instead of reducing it. These sanitary latrines require major buildup of sewer and septic tanks which in absence of machines and machine holes are to be cleaned by manual scavengers only.

A very large numbers of manual scavengers are contractually employed by private entities. Their minimum pay is not fixed and they are not given any social security or health and financial benefits. Municipalities provide the contract to these private entities and often turn a blind eye when sewers and manholes are cleaned by these manual scavengers in direct contact with human excreta and filth. Several instances have been reported when District Magistrates refuse to acknowledge manual scavengers in order to provide them rehabilitation under this act. In 2018, insanitary latrines were built for a religious festival in Karnataka and Avarnas were brought from Uttar Pradesh to clean these toilets. Permission to do all this was granted by none other than the deputy commissioner, who is supposed to be responsible for the implementation of the 2013 Act. As far as Panchayats are concerned, they are mostly ruled by caste based hierarchies. Manual scavengers even face banishment from the village when they come out as manual scavengers to the concerned authorities of the villages.

Vigilance committee, State and Centre committee meetings hardly take place and there is no accountability as such to keep a check on their working. Lack of efficient implementation of this Act has resulted in hundreds of deaths across the country in sewers and septic tanks. Here, arises a need to make this act more efficient and make concerned authorities accountable.

Hence, this Bill.

NEW DELHI ; SUPRIYA SULE
November 21, 2022.

FINANCIAL MEMORANDUM

Clause 4 of Bill vide proposed new sections 7A and 7B provides that the Central Government shall procure machines for cleaning sewer and septic tanks and convert every man hole in the country to machine hole. Clause 12 vide proposed section 33A provides for the Central Government to start awareness programms in general public to attract attention to problems of manual scavengers. Clause 13 vide proposed section 35A provides that the Central Government shall introduce a web application where people can upload videos if they encounter any scene of manual scavenging. The Bell, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about ten thousand crore from the Consolidated Fund of India is likely to be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 255 OF 2022

A Bill further to amend the Representation of the People Act, 1950.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:–

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 23.

43 of 1950.

2. In section 23 of the Representation of the People Act, 1950,—

(*i*) after sub-section (*5*), the following sub-section shall be inserted:–

"(5A) The collected Aadhaar data shall be discarded within three hours of its intended use and in case of violation or any leak of the Aadhaar data, the Election Commission shall be liable for it and may be sued for compensation:

Provided that the Electoral Registration Officer may ask the person to permanently link only his Aadhaar Biometric Data to his Election Photo Identity Card (EPIC) and in case of affirmation, shall update the same in Electoral Roll in such manner as may be prescribed:

Provided further that it shall be the duty of Election Commission to keep the collected data safe and it shall not be used for any other purposes or to be shared to any other authority or institution or private entity.

Explanation.— For the purposes of this sub-section "liability" means that if any Employee of Election Commission violates provision of this act, the Election Commission shall be the tortfeasor or defendant in the court of law, representing the accused and paying liability as such.''. and,

(*ii*) after sub-section (*6*), the following sub-section shall be inserted, namely:–

"(6A) (*1*). The Electoral Registration Officer shall record biometric data of fingerprint and iris scan for every new entry, application, replacement request and alteration request for the EPIC and issue a unique identification number in case of any new entry, replacement request or alteration request:

Provided that the Electoral Registration Officer shall first check whether Biometric data of the new entrant, while applying for EPIC is already available in the electoral roll or not.

(*2*) The biometric identification data along with the original EPIC may be used at the election booth to prevent electoral fraud including preventing multiple or duplicate entry of a person in electoral roll by initiation of identification through biometric data.''.

STATEMENT OF OBJECTS AND REASONS

In December 2021, Parliament passed The Election Laws (Amendment) Bill to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and to give powers to Electoral Registration Officer to ask Aadhaar number during registration of Voter ID or any further updating. The purpose is to authenticate the entries in electoral roll and to identify registration of name of the same person in the electoral roll of more than one constituency or more than once in the same constituency. However, the Act doesn't mention how exactly Aadhaar number would be used for the purpose. Even though, the submission is voluntary and doesn't attract deletion of the person's name from electoral roll upon non-submission of Aadhaar number but linking Aadhaar ID with Voter ID seems unsettling. Aadhaar number which has the same meaning as assigned to it in 'clause (*a*) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.' contains vast information about the person. It is that Unique Identification number which an Indian resident use in almost every official and unofficial work ranging from applying for jobs and Government schemes to book a hotel room and even to get an entry in a premises.

Given its importance, arises a need for securing its data; but UIDAI has eventually failed in doing so. In 2018, nearly 1.1 billion registered Citizens Aadhaar data was breached and sold for 500 rupees by criminals for 10 minutes. In June 2022 around 11 crore Indian farmers' Aadhaar data was leaked from Pradhan Mantri Kisan Samman Nidhi website. Given the vastness of information linked to one's Aadhaar ID and its unsettling record of being leaked, it seems perturbing to link it to Voter ID. Moreover, the Act doesn't mention the use of one's Aadhaar if the person hadn't provided his Aadhaar ID while registering for the Electoral roll in past. The Act should have envisaged to give Voter ID a Unique Identification itself so as to permanently give a person a single unique number throughout his life which would remain same even if he replace his Voter ID multiple times at multiple places. This Bill tends to do the same.

The Bill makes it mandatory for Electoral Registration Officer to delete Aadhaar data of the person within three hours of its use from the main server but may permanently save Aadhaar biometric data with Voter ID upon taking consent from the concerned person. The Bill also provided that biometric data shall be required for new registration of Voter ID, any alteration or replacement request and every subsequent movement related to the person's Voter ID and shall be updated in the Electoral Roll in the main server. The Bill intends to stop multiple entries via use of biometric data. Let's put it this way. As linking Aadhaar ID with Voter ID could pose a threat to Privacy, the entire data minus biometric one shall be deleted within three hours of use. That biometric data once stored in main server shall come in handy when the person go for second entry in electoral roll as every new entry request requires biometric data submission. The main server would notify the Electoral Registration Officer if that person is already enrolled in Electoral roll, with the use of biometric data. This way, Aadhaar number could be used to identify multiple entries and its deletion within three hours would put Privacy issues at bay. Use of biometric data would pave way for establishing permanent unique identification of the person for life.

The menace of multiple or duplicate entries in the Electoral roll put democratic structure of the country at risk. Conducting free and fair election in the largest Democracy of the world is a task that requires reformed and novel practices which doesn't undermine citizens rights but strengthen them in the process.

Hence this Bell.

NEW DELHI;
November 21, 2022.

SUPRIYA SULE

BILL NO. 276 OF 2022

A Bill to provide the right to paid leave during the period of menstruation for working women, menstrual leave for female students and free access to menstrual health products including menstrual cups, tampons and sanitary pads irrespective of status or region and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Right to Women to Menstrual Leave and Free Access to Menstrual Health Products Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(*b*) "Authority" means the Female Menstrual Health Products Price Regulating Authority established under section 4;

(*c*) "educational institution" means any secondary or higher secondary school, college or institution or University imparting higher education;

(*d*) "establishment" include an office of the appropriate Government, quasi Government or department including telegraph office, post office, telephone exchange, a mine, a plantation, an agricultural field, a hospital or nursing home, a shop or any business establishment, a brick kiln, construction site, any banking establishment, any private office or house, any school, college university or like institution, establishment for the exhibition of equestrian, acrobatic and other performances and any other such place where a women is employed for any work whatsoever;

(*e*) "factory" means a factory as defined in the Factories Act, 1948;

(*f*) "industry" means an industry as defined in the Industrial Disputes Act, 1947;

(*g*) "menstrual health products" means products used to absorb or collect menstrual flow including menstrual cups, tampons, sanitary towels, panty liners, sanitary pads and articles;

(*h*) "prescribed" means prescribed by rules made under this Act; and

(*i*) "working woman" means a woman who is employed whether directly or indirectly through any agency or contractor, as the case may be, for wages in any establishment, factory or industry.

Right of Women.

3. Every women shall be entitled to the following rights:—

(*a*) In case of working women— Right to paid leave and absence from work for three days during her menstruation in any establishment registered with the appropriate Government;

(*b*) In case of female students— Right to leave of absence from educational institution for three days during her menstruation; and

(*c*) Right to access to free menstrual heath products.

Establish of the Female Menstrual Health Products Price Regulating Authority.

4. (*1*) The Central Government shall, by notification in the Official Gazette, establish on an Authority to be known as the Female Menstrual Health Products Price Regulating Authority for carrying out the purpose of this Act.

(*2*) The Authority shall consist of,—

(*a*) Union Minister of Health and Family Welfare, Chairperson, ex-officio;

(*b*) Union Minister of Women and Child Development, Vice-Chairman, ex-officio;

(*c*) Union Minister of Finance, Education and Labour and Employment, Member, ex-officio; and

(*d*) six other member to be nominated by the Central Government in such manner as may be prescribed:

Provided that out of six nominated members, four shall be women.

(*3*) The salary and allowances payable to and other terms and conditions of service of members nominated under clause (d) of sub-section (1) shall be such as may be prescribed.

(*4*) The Authority shall meet at least once in a month and shall regulate its own procedure.

Function of the Authority.

5. The Authority shall, —

(*a*) ensure availability and distribution of menstrual health products free of cost to every women;

(*b*) regulate the prices of menstrual health products;

(*c*) create awareness, responsiveness and consciousness regarding the importance of menstrual health products;

(*d*) identify and give priority in access to menstrual health products to target group including women not enrolled in full-time education or living in poverty;

(*e*) maintain accounts in accordance with international standards;

(*f*) collaborate with the appropriate Government regarding availability menstrual health products under their jurisdiction; and

(*g*) undertake such other functions as it deems necessary for carrying out the purposes of this Act.

Duties of Local Authority.

6. Every local authority shall endeavour to ensure that menstrual health products are available free of cost to every women under its Jurisdiction.

Grievances Redressal Forum.

7. The Central Government shall for the purposes of redressal of complaints under this Act establish grievance redressal mechanism in such manner as may be prescribed.

Central Government to provide adequate fund.

8. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide adequate funds, from time to time, to the State Governments for the effective implementation of the provisions of this Act.

Act not in derogation of other law.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in the making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Undoubtedly, menstrual awareness has increased in urban areas, with more women opting for sanitary pads rather than cloth. Not only women, people, in general, have developed a better understanding of menstruation in metro areas. Innovations in products are happening, like menstrual cups, menstrual discs, and much more.

Unfortunately, society identifies women as the other half, but only for specific, indoor-bound duties, highlighting the biological difference as a mark of inferiority. Menstruation and its debilitating nature, though a reality, are often hushed.

According to research, approximately 40 per cent of girls miss school during their periods. The type of absorbent used, lack of privacy at school, restrictions imposed on girls during menstruation, the mother's education, and the source of menstrual information were all found to be important factors in school absenteeism. Nearly 65 per cent said it had an impact on their daily activities at school and that they had to skip class tests and lessons as a consequence of discomfort, anxiety, shame, and concerns about leakage and uniform discolouration.

While access to menstrual products is critical, equal attention should be paid to the mental trauma that girls experience during their periods. Girls should receive comprehensive counselling on menstruation and other associated issues.

The need is to ensure that all who crosses the age of menarche may avail paid leave for three days for working women and three days of leave with attendance and compensation of academic activities for girl students who menstruate. It is also required that access to menstrual products, at no cost shall be available to them as and when required.

It is intended to remove any barriers which stop women, girls and trans people accessing female health and hygiene products – items which are essential to the health, hygiene and wellbeing of those who has crossed menarche till the period of menopause.

The idea behind the proposed Bell is that certain circumstances make access to sanitary products difficult for women and trans people. These include homelessness, coercive, controlling and violent relationships and health conditions such as endometriosis.

This Bill provides for the novel idea of a type of leave where women and trans women may have the option of taking a paid leave for three days from their workplace during the period of menstruation. Here 'leave' shall mean full entitlement of a women to complete wages during the period of menstruation subject to maximum of 3 days per month for a working women and of 3 days for a non-working women including students.

Countries like Japan, Taiwan, China, Korea, Indonesia, and Mexico have introduced within their legal framework the policy of menstrual leave, for the benefit and the welfare of women. Sanitation is considered to be the central pillar of health according to the World Health Organisation. Our directive principles of states policy propound that necessary provisions shall be made by the state to improve health and hygiene of its citizens. Several companies and organizations in the United Kingdom and Australia have also introduced within their local constitution, a policy of menstrual leave. But a legal framework in India is not envisaged yet.

The concept of menstrual leave is an expansion of article 21, the right to life under the constitution of India; one should not be expected to work during menstruation, because of the menstrual pains, and the body being weak and vulnerable, basic sanitation problems like lack of proper sanitary facilities, lack of clean, safe, and private facilities for women, and lack of adequate menstruation alternatives result in the infringement of their basic right to health and also human right to health.

Moreover, due to hormonal actions most menstruating girls and women are having mental issues facing those days. Worrying about their physically unfit situation and the availability of hygiene facilities, they feel tortured.

Our Constitution is always concerned about the protection of the vulnerable as it is committed to the principle of inclusiveness. Prioritising women's health and safety is the primary sign of a civilized and egalitarian society.

Many of developing and developed countries are taking the happiness index to evaluate the good governance of their state. As our country is also looking forward to such new scales for measuring the well-being of the people, we should also think about such revolutionary ideas out of the traditional way of thinking. It is sure that this Bill will be a milestone in that category which concerns the happiness of nearly half of the population of India.

Considering all the objectives stated above, in line with the principle of inclusiveness as envisioned by our founding fathers, there is a greater urgency for such a Bell.

Hence this Bell.

NEW DELHI;
November 21, 2022

HIBI EDEN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of Female Menstrual Health Products Price Regulating Authority for carrying out the purposes of this Act. It also provides for appointment of member to the Authority. Clause 7 provides for the Central Government to establish grievances redressal mechanism for redressal of complaints under this Act. Clause 8 provides for the Central Government to provide requisite funds. The Bell, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees fifteen hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 108 OF 2023

A Bill to provide for the protection, enrichment and welfare of Pokkali farmers and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Pokkali Farming (Protection, Enrichment and Welfare) Act, 2023.

(*2*) It extends to the whole territory of India.

(*3*) It shall come into force on such date, not being later than three months from the date of assent of the President, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "pokkali farming" means the farming of paddy and prawn in a coordinated manner in the coastal areas of the country;

(*b*) "coastal areas" means the areas specified as such by the Central Government by notification in the Official Gazette; and

(*c*) "farmer" means a person engaged in pokkali farming.

CHAPTER II

PROTECHTION AND ENRICHMENT OF POKKALI FARMING

Declaration of Pokkali Farming as an industry.

3. The Central Government shall declare pokkali farming as an industry and shall take necessary steps to provide all necessary facilities and support for the growth and development of the industry.

Measures of Pokkali farming.

4. The Central Government shall take necessary measures for the protection of pokkali farming, including,—

(*a*) measures to protect the rights of the farmers;

(*b*) measures to prevent the exploitation of the farmers;

(*c*) measures to ensure that the farmers get a fair price for their produce;

(*d*) measures to prevent the conversion of pokkali farming land for other purposes;

(*e*) measures to provide technical support and assistance to the farmers;

(*f*) measures to promote research and development in the field of pokkali farming;

(*g*) measures to provide financial assistance to the farmers for the purpose of improving the quality of their produce;

(*h*) measures to provide market support to the farmers; and

(*i*) measures to promote the export of Pokkali farming produce.

CHAPTER III

MISCELLANEOUS

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to remove difficulties.

6. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(*a*) the manner in which the protection and enrichment of pokkali farming shall be carried out;

(*b*) the manner in which the rights of the farmers shall be protected;

(*c*) the manner in which the exploitation of the farmers shall be prevented;

(*d*) the manner in which the farmers shall be provided with a fair price for their produce;

(*e*) the manner in which the conversion of pokkali farming land shall be prevented;

(*f*) the manner in which technical support and assistance shall be provided to the farmers; and

(*g*) the manner in which research and development in the field of pokkali farming.

STATEMENT OF OBJECTS AND REASONS

The Pokkali farming system, which involves the coordinated cultivation of paddy and prawn in the coastal areas, is a unique and important aspect of the Indian agricultural sector. Despite its significance, this traditional system has been facing various challenges in recent years, such as land conversion, exploitation of farmers, and a lack of technical support and financial assistance.

The need is to provide for the protection and enrichment of Pokkali farming, so as to preserve this traditional system and ensure its growth and development. It is also required to declare Pokkali farming as an industry and provide all necessary facilities and support for its growth and development. It also provides for measures to protect the rights of farmers, prevent their exploitation, and ensure they receive a fair price for their produce. Measures to promote and encourage the growth of Pokkali farming, including providing technical support, promoting research and development, and providing financial assistance to farmers for the purpose of improving the quality of their produce is also required to be taken.

The present Bill aims to address the challenges faced by Pokkali farmers and ensure that this unique and valuable system continues to thrive and contribute to the Indian agricultural sector.

The Bill, therefore, proposed for the protection and enrichment of Pokkali farming, so as to ensure the growth and development of this important traditional system and the well-being of its farmers.

Hence this Bill.

NEW DELHI ;
March 13, 2023.

HIBI EDEN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for Central Government to take various measures for the protection and enrichment of pokkali farming. Clause 5 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 105 OF 2023

A Bill to provide for the protection of healthcare professionals from violence, harassment, and acts of aggression in the course of their duty and for matters connected therewith or incidental thereto.

WHEREAS violence, harassment and acts of aggression against healthcare professionals have become a growing concern in the country, posing a threat to their physical and mental wellbeing, thereby affecting the quality of healthcare services in the country.

AND WHEREAS the existing laws to deal with such incidents are inadequate and require a comprehensive legislation to protect healthcare professionals from such violence and harassment.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Healthcare Professionals (Protection from Violence and Harassment) Act, 2023. Short title, extent and commencement.

(*2*) It shall extend to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*1*) "healthcare professional" means any person who is registered under any law for the time being in force and is involved in the delivery of healthcare services, including doctors, nurses, pharmacists, and other medical and paramedical staff;

(*2*) "hospital" means any institution, whether run by the Government or private, which provides healthcare services to the public;

(*3*) "patient" means any person who seeks healthcare services from a healthcare professional;

(*4*) "violence" means any act of physical or mental harm, including verbal abuse, threats, intimidation, or damage to property, which is committed against a healthcare professional in the course of their duty; and

(*5*) "harassment" means any unwanted conduct, which has the purpose or effect of violating the dignity of a healthcare professional in the course of their duty.

Offence of violence and harassment against healthcare professionals.

3. (*1*) Whoever commits an act of violence or harassment against a healthcare professional in the course of his duty shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to rupees five lakh.

(*2*) The punishment provided under sub-section (*1*) shall be in addition to any other punishment provided for the offence under any other law for the time being in force.

Protection and compensation for healthcare professionals.

4. (*1*) Any healthcare professional who is a victim of violence or harassment in the course of his duty shall be entitled to protection and compensation under this Act.

(*2*) The Central Government shall establish a mechanism to provide protection and compensation to healthcare professionals who are victims of violence or harassment in the course of their duty in such manner as may be prescribed.

(*3*) The compensation provided under sub-section (*2*) shall be in addition to any other compensation payable under any other law for the time being in force.

Obligations of hospitals.

5. Every hospital shall,:—

(*a*) take all necessary measures to prevent violence and harassment against healthcare professionals in the course of their duty;

(*b*) establish a mechanism for reporting incidents of violence and harassment against healthcare professionals; and

(*c*) provide necessary support and assistance to healthcare professionals who are victims of violence or harassment in the course of their duty.

Cognizance and investigation of offences.

6. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be cognizable and non-bailable.

(*2*) No court shall take cognizance of an offence under this Act except on a complaint made by the victim or the hospital where the victim was employed or associated.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds forthe implementation of the provisions of the Act.

Power to remove difficulties.

8. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The healthcare professionals of our country are the backbone of our healthcare system, and their safety and security is of paramount importance to ensure that quality healthcare services are available to the people. The instances of violence and harassment against healthcare professionals are increasing at an alarming rate, which poses a serious threat to their physical and mental wellbeing, and also affects the quality of healthcare services in the country.

According to a survey, close to seventy-five per cent. of doctors in the country had faced physical abuse of some kind, and demands for a comprehensive legislation to check violence against healthcare professionals have been growing louder. The existing laws to deal with such incidents were weak and inadequate, and there is a need for a stringent law to prevent such incidents.

The proposed Bill aims to provide a comprehensive legal framework for the protection of healthcare professionals from violence and harassment in the course of their duty. The Bill seeks to define the offences of violence and harassment against healthcare professionals and provides for stringent punishment for the same.

The Bill also provides for the establishment of a mechanism for the protection and compensation of healthcare professionals who are victims of violence or harassment, and imposes obligations on hospitals to prevent and report such incidents.

In view of the above, it is proposed to enact a law to ensure the safety and security

of healthcare professionals healthcare services.

Hence this Bill. in the country and to maintain the quality of healthcare services.

NEW DELHI;
March 9, 2023.

HIBI EDEN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the Central Government to provide compensation to all the healthcare professionals who are victim of violence or harassment in the court of his duty. Clause 6 provides for the Central Government to provide funds for carrying out the purpose of this Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that about rupees five hundred crore will be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 281 OF 2022

A Bill further to amend the Companies Act, 2013.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Companies (Amendment) Act, 2022.

(*2*) Save as otherwise provided for in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment of Section 2.

18 of 2013.

2. In section 2 of the Companies Act, 2013 (hereinafter referred to as the principal Act,—

(*i*) for sub-section (52), the following sub-section shall be substituted, namely:–

"(52) "listed Company" means a company or an entity which has listed, on a recognized stock exchange(s), the designated securities issued by it or designated securities issued under schemes managed by it, in accordance with the listing agreement entered into between the entity and the recognized stock exchange(s); and

(*ii*) after sub-section (56), the following sub-section shall be inserted, namely:—

"56A. "National Business Responsibility Standard Board" means National Business Responsibility Standard Board constituted under section 138A.".

Amendment of Section 134.

3. In section 134 of the principal Act, in sub-section (*3*), after clause (m), the following clause be inserted, namely:—

"(ma) the reporting framework as outlined in the Form V, under Rule 14 of Environment Protection Rules, 1986, under the Environment (Protection) Act, 1986 or as prescribed by the National Business Responsibility Standard Board.".

Amendment of Section 137.

4. In section 137 of the principal Act, in sub-section (*1*),

"for the words "all the documents", the words 'all the documents' including Form V, as specified, under Rule 14 of Environment Protection Rules, 1986 under the Environment Protection Act, 1986 or as prescribed by the National Business Responsibility Standard Board while filing annual financial statement with the Registrar, shall be substituted.

Insertion of new Chapter IIA.

5. After Chapter IX of the principal Act, the following CHAPTER and sections thereunder shall be inserted, namely:—

"CHAPTER IXA

NATIONAL BUSINESS RESPONSIBILITY STANDARD BOARD

Establishment of National Business Responsibility Standard Board.

138A. (*1*) The Central Government shall, by notification in the Official Gazette, establish a National level apex body in this Chapter called in the National Business Responsibility Standard Board, hereinafter referred to as the National Board, for carrying out the purposes of the act.

(*2*) The head office of the National Board shall be at the New Delhi and the Board may, with the previous approval of the Central Government, establish offices at other places in the country.

(*3*) The National Board shall consists of,

(*a*) one full-time Chairperson, who shall be an eminent person having a minimum of fifteen years of work experience and expertise in the matter related to the environmental pollution, climate change and sustainable development;

(*b*) one officer in the rank of Joint Secretary to the Government of India to be appointed by the Central Government as a full-time Member-Secretary of the Board;

(*c*) following ex officio members to be appointed by the Central Government, in such manner as may be prescribed—

(*i*) one officer not below the rank of Joint Secretary to the Government of India each from the Union Ministries of Corporate Affairs, Finance (Department of Economic Affairs), Commerce and Industry (Department of Promotion of Industry and Trade), Environment, Forest and Climate Change, Health and Family Welfare, Science and Technology, Power, Road Transport and Highways, Petroleum and Natural Gas and Agriculture and Farmers' Welfare;

(*ii*) one member from National Institution for Transforming India (NITI Aayog) not below the rank of Joint Secretary or advisor;

(*iii*) one member from the Central Pollution Control Board;

(*iv*) one member from the Indian Space Research Organization;

(*v*) one member from Invest India;

(*vi*) one member from the Securities and Exchange Board of India; and

(*vii*) one member from the Reserve Bank of India.

to be appointed by the Central Government in such manner as may be prescribed; and

(*d*) Following non-official members to be appointed from amongst specialists/ stakeholders—

(*i*) one member from Indian Banks' Association;

(*ii*) three members from Industry Associations;

(*iii*) two members from academia;

(*iv*) two members from Civil Society;

(*v*) such other members to be appointed by the Central Government in such manner as may be prescribed.

Functions of the Board.

138B. (*1*) The Board shall,

(*a*) carry out their functions in accordance with the following criteria and conditions, in so far as the functions contained herein are in compliance with the framework of rules and regulations made under this Act, including the rules thereof pertaining to the functions of a company registrar and other entities mentioned therein;

(*b*) advise the Central Government on matters relating to the environmental concerns and steps required to improve the quality of the environment to abate all forms of environmental pollution;

(*c*) update periodically the reporting framework for companies in consultation with stakeholders and ensure its compliance;

(*d*) engage in consultation with stakeholders at regular intervals to update, revise and incorporate the reporting framework;

(*e*) continuously oversee the reporting of companies;

(*f*) publish annual report and maintain a year-round public visibility of the data;

(*g*) develop and deploy comprehensive and relevant standards, indicators, and disclosure formats for various classes of industries conforming to best practices and globally accepted standards in consultation with stakeholders;

(*h*) monitor compliance, issue notice, and take action in case of non-compliance;

(*i*) undertake capacity building initiatives and continuous research and development work for achieving reporting standards and global practices and commitments;

(*j*) promote adoption of the reporting frameworks by companies through appropriate subsidies and incentives; and

(*k*) any other matter which the National Board may deem expedient for fulfilling the objective of reducing environmental pollution.

(*2*) Notwithstanding anything contained in sub-section (*1*), the National Board may also require companies or classes of companies as defined in clause (20) and (21) of section 2 to furnish any such information pertaining to factors involving responsible business practices or as laid by the Board, within such time as may be specified in the order:—

Provided that if any company fails to comply with an order made under clause (*k*) of sub-section (*1*) or knowingly furnishes information which is incorrect or incomplete in any aspect intricately concerning sustainability, carbon emissions and environment, the Company shall be liable to the penalties in accordance with the quantum contained in under sub-section (*4*) of section 405.

Meetings of the Board.

138C.(*1*) The National Board shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(*2*) The Chairperson of the National Board shall preside at the meetings of the Board:—

Provided that if for any reason the Chairperson is unable to attend any meeting of the National Board, any member of the Board chosen by the members present at the meeting shall preside at the meeting.

(*3*) The Member-Secretary shall be the chief coordinating officer and the convener of the Board and shall assist the National Board in the discharge of its functions under this Act.

(*4*) The Member-Secretary shall also discharge any other function as may be prescribed.

Conditions of service of Chairperson and representatives.

138D. The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Member Secretary ex-officio and other member shall be such as may be prescribed.

Removal of Members.

138E. The Central Government may remove any member from the Board who, in its opinion, has —

(*i*) been adjudged as an insolvent; or

(*ii*) been convicted of an offence which involves moral turpitude; or

(*iii*) become physically or mentally incapable of acting as a member; or

(*iv*) abused his position as to render his continuance in office detrimental to the public interest; or

(*v*) acquired such financial or other interest as is likely to affect prejudicially his functions as a member:

Provided that no such Member shall be so removed unless he has been given a reasonable opportunity of being heard.

Appointment of officers and staff.

138F. (1) The National Board may appoint such officers and other staff as it considers necessary for the efficient discharge of its functions under this Act.

(2) The salary and allowances payable to and other terms and conditions of service of such officers and other staff of the Board shall be such as may be prescribed.".

STATEMENT OF OBJECTS AND REASONS

The global phenomenon of climate change has assumed alarming proportions now, and its severity as a threat to mankind has rapidly escalated owing to the vast quantum of emissions released cumulatively over time as a result of anthropogenic activities. Repercussions of climate-related impacts cannot be ignored anymore. The world has come together to address this amplifying crisis ensued by rapid emissions. The fundamental right to life enshrined in Article 21 of the Constitution of India also mandates the continuous pursuance of a clean, healthy, and pollution-free environment. It is a known fact that Industrialization has been a great contributor to lifting millions out of poverty and increasing social prosperity. At the same time, rapid industrialization has also led to an increase in emissions, and across the world, Industries are among the largest emitters of Green House Gases (GHG). Lately, at the global level, Environment, Social, and Governance (ESG) frameworks have become a prudent approach to holistically counter the threat of climate change from companies' viewpoint. In India, The Securities and Exchange Board of India (SEBE) has been issuing periodic guidance in that regard and the reporting on such indicators will only be made mandatory through Business Responsibility and SustainaBelity Report ('BRSR') from Financial Year 2022-23 for the top 1000 listed companies by market capitalization. This fragmented approach puts the onus only on select entities beyond a certain threshold while excluding the majority of companies from the ambit of ESG reporting. Further, every Industry is already reporting to State Pollution Control Boards (SPCBs) on the indictors outlined in the Form V, under Rule 14 of the Environment Protection Rules, 1986. Therefore, amending the Company Act with insertion of a section for mandatory reporting as per the already existing reporting framework, provisioned under the Environment Protection Act (EPA), can serve the purpose of pollution abatement to a greater extent. Instead of de novo arrangements, the proposed Bell, at ceteris paribus, provisions of reporting of Form V to the Company registrar instead of SPCBs and creation of an apex body to devise, monitor and ensure compliance. This could be a first step towards accurately quantify and report emissions and, going forward, keep formulating appropriate responses as the need may be.

Further, to ensure Indian industry remains competitive globally, it has to pass muster with provisions like Carbon Border Adjustment Mechanism (CBAM) proposed under the Green Deal by Euro-Zone. Therefore, it is important to empower the domestic entities operating at a smaller scale to efficiently deal with such international obligations.

Hence this Bill.

NEW DELHI ; GAURAV GOGOI
November 21, 2022

FINANCIAL MEMORANDUM

Clause 5 of the Bill vide proposed section 138A provides for constitution of the National Business Responsibility Standard Board as an apex body to devise appropriate reporting frameworks, build capacity of Companies and monitor and check environmental pollution created by them. Also the proposed section 138F of this Bill also mandates the appointment of officers and staff for ensuring the smooth functioning of the Board.

The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

BILL NO. 271 OF 2022

A Bill to amend the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (hereinafter referred to as the principal Act),— 29 of 2021.

(*i*) after clause (*d*), the following clauses shall be inserted, namely:—

"(*da*) 'Directorate General Occupational Safety and Health' means Directorate General Occupational Safety and Health as per sub-section (*1*) of section 87 of the Occupational Safety, Health and Working Conditions Code, 2020;

(*db*) 'Energy Intensive Industries' means Energy Intensive Industries as per clause (*e*) of section 14 of the Energy Conservation Act, 2001.".

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (*3*), after clause (*d*), the following clause shall be inserted, namely:—

"(*da*) a representative of the Ministry of Health and Family Welfare, not below the rank of Joint Secretary to the Government of India;".

Amendment of section 11.

4. In section 11 of the principal Act,—

(*i*) in sub-section (*3*), after clause (*c*), the following clauses shall be inserted, namely:—

"(*ca*) Directorate General of Mines Safety; and

(*eb*) Directorate General Occupational Safety and Health from the Ministry of Labour and Employment;".

(*ii*) in sub-section (*4*), after clause (*c*), the following clause shall be inserted, namely:—

"(*ca*) one technical representative from the Ministry of Health and Family Welfare working in the field of medicine and research working or studying on the impact of air pollution on living beings.".

Amendment of section 12.

5. In section 12 of the principal Act,—

(*i*) in sub-section (*2*), for clause (*vi*), the following clause shall be substituted, namely,—

"(*vi*) carrying out and requiring investigations and research relating to problems of environmental pollution and air pollution in particular that have implications on air quality and health of the people in the region;";

(*ii*) in sub-section (*6*), for clause (*h*), the following clause shall be substituted, namely:—

"(*h*) encourage and incentivise the efforts of non-governmental organisations, institutions working in the field of air pollution, and Energy Intensive Industries that switch over to energy efficient equipments and invest in the energy efficient machinery and equipment;";

(*iii*) after sub-section (*6*), the following sub-section shall be inserted, namely:—

"(7) For the purpose of and without prejudice to the generality of sub-section (1) of section 13 and sub-clause (iii) of clause (c) of sub-section (6) of section 12, the Commission shall grant scholarship and fellowship every year to eligible persons and direct them to coordinate with the Ministry of Health and Family Welfare; Indian Council of Medical Research and any other institution as it deems fit.".

Insertion of new section 12A.

6. After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. (1) The Commission shall establish, in every district in the National Capital Region and Adjoining Areas, a trust, as a non-profit body, to be called the District Air Pollution Monitoring Foundation.

(*2*) The District Air Pollution Monitoring Foundation shall monitor the emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the district in such manner as may be prescribed.

(*3*) The composition and functions of the District Air Pollution Monitoring Foundation shall be such as may be prescribed.".

Amendment of section 13.

7. In section 13 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely,—

"(*1*) The Commission shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches awaited and number of deaths occurred, number of people hospitalised during the year in the National Capital Region and Adjoining Areas (district-wise) due to air pollution and other measures undertaken by it in pursuance of its functions under section 12, in such form and manner as may be specified by regulations.".

Amendment of section 16.

8. In section 16 of the principal Act, after sub-section (*2*), the following proviso shall be inserted, namely,—

"Provided that the fund allocation for research relating to problems of environmental pollution mentioned in clause (*vi*) of sub-section (*2*) of section 12 is done every year and shall be at least ten per cent. of the total expenditure of the commission in a year.".

STATEMENT OF OBJECTS AND REASONS

As Indira Gandhi, India's former 'green' Prime Minister and an eminent environmentalist once said, "The problems created by the pollution of air and water, and by fear of the depletion of the mineral resources of the earth, have created a belated realization that we should be conservers, not destroyers, of this planet". Laws dealing with air and water pollution, i.e. The Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 were enacted during her tenure as Prime Minister of India. On 17 May 1972, Indira Gandhi wrote to her Industry Minister: "The Water Pollution Bill has been passed. I do not know what is delaying the Bill regarding air pollution. This should be expedited". Nothing could be more pressing, today, than upgrading the laws that govern the working of the agencies that fight against environmental pollution. The world has moved so much forward since the enactment of the Commission for Air Quality Management in the National Capital Region and Adjoining Areas (Amendment) Act, 2021.

This Bill seeks to make amendments to the principal Act to enable the Commission to perform its functions better, aligning with the changing global scenario. The Bill, inter alia, ensures that:

(*i*) the Commission allocates sufficient funds, every year, for research on air pollution;

(*ii*) the Commission maintains a record of health hazards faced by the people residing in the NCR and the adjoining region, the number of deaths and hospitalizations occurred every year due to air pollution;

(*iii*) the District level institution called 'District Air Pollution Monitoring Foundation' is established to monitor the emission or discharge of environmental pollutants from various sources;

(*iv*) the commission acknowledges and incentivises the sources that emit a lesser quantity of pollutants to the environment;

(*v*) the Commission consults representatives of the Ministry of Health and Family Welfare on the issues of air pollution and includes them in the 'Sub-Committee on Research and Development'.

Hence this Bill.

NEW DELHI ;
November 21, 2022

GAURAV GOGOI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for establishment of a trust to be known as the District Air Pollution Monitor Foundation in every district in the National Capital Region and adjoining areas by the Commission. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees Ten Crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Five Crore is also likely to be involved.

BILL NO. 256 OF 2022

A Bill further to amend the Energy Conservation Act, 2001

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Energy Conservation (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

52 of 2001.

2. In section 2 of the Energy Conservation Act, 2001 (hereinafter referred to as the principal Act),—

(*i*) after clause (*d*), the following clauses shall be inserted, namely:—

(*da*) "carbon credit certificate" means the certificate issued by the Central Government or any agency authorised by it under section 14AA;"; and

(*db*) "carbon credit trading scheme" means the scheme for reduction of carbon emissions notified by the Central Government under clause (*w*) of section 14;";

(*ii*) after clause (*q*), the following clause shall be inserted, namely:—

"(*qa*) "registered entity" means any entity, including designated consumers, registered for carbon credit trading scheme specified under clause (*w*) of 5 section 14;"; and

(*iii*) after clause (u), the following clause shall be inserted, namely:—

"(*ua*) "virtual digital asset" means virtual digital asset as defined in sub-section (*47A*) of section 2 of the Income-Tax Act, 1961.''.

Amendment of section 13.

3. In section 13 of the principal Act after clause (*t*), the following clause shall be inserted, namely:—

"(*ta*) empanel technical experts, particularly Indian Citizens, to promote energy efficiency and carbon credit trading activities undertaken to meet the objectives of the Act;".

Amendment of section 14.

4. In section 14 of the principal Act,—

(*i*) after clause (*e*), the following clause shall be inserted:—

"(*ea*) direct Energy Intensive Industries to maintain minimum requirement of carbon credit certificates to buy carbon credit certificates, and specify the minimum requirement";

(*ii*) after clause (*v*), the following clauses shall be inserted, namely:—

"(*w*) specify the carbon credit trading scheme;

(x) establish mechanism to monitor and prevent illegal activities, involving carbon credit certificate by converting it into virtual digital asset;

(y) establish mechanism to adjust the supply of carbon credit certificates to be auctioned in the market and maintain a reserve of carbon credit certificates for the said objective; and

(z) specify minimum share of consumption of non-fossil sources by designated consumers as energy or feedstock, provided different share of consumption may be specified for different types of non-fossil sources for different designated consumers;".

Insertion of new section 14AA.

5. After section 14A of the principal Act, the following section shall be inserted, namely:—

Carbon Credit Certificate.

"14AA. (*1*) The Central Government, or any agency authorised by it shall maintain a Registry of carbon credit certificates.

(*2*) The Central Government or any agency authorised by it may issue carbon credit certificate to the registered entity which complies with the requirements of the carbon credit trading scheme and extinguish the carbon credit certificates from the registry upon redemption and update the records:

Provided that the Central Government shall limit the issuance of carbon credit certificates, year on year, thereby reducing its availability in the carbon market.

(*3*) The Central Government shall facilitate real time tracking of transaction of carbon credit certificates between registered entities, carbon emission projection and details of carbon credit certificates possessed by the registered entities and maintain the same on public domain.

(*4*) The Central Government shall also designate an agency under clause (*d*) of section (*15*) to ensure that the details possessed by the registered entities under sub-section (*2*) are not manipulated.

(*5*) The registered entity shall be entitled to purchase or sell the carbon credit certificate in accordance with carbon credit trading scheme specified under clause (*w*) of section 14.".

6. For section 16 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 16.

"16. (1) There shall be constituted a Fund for the purposes of promotion of efficient use of energy and its conservation by the State Government to be called the State Energy Conservation Fund and there shall be credited thereto— Establishment of Fund by State Government.

(a) all grants and loans that may be made by the State Government or the Central Government or any other organisation or individual for the purposes of this Act;

(*b*) all fees received by the State Government or the designated agency under this Act;

(*c*) all sums received by the State Government or the designated agency from such other sources as may be decided by the State Government.

(*2*) The Fund shall be utilised for meeting the expenses—

(*a*) of the designated agency in the discharge of its functions; and

(*b*) for the objects and purposes authorised by or under this Act.

(*3*) The Fund created under sub-section (*1*) shall be administered by such person or authority and in such manner as may be prescribed by the rules made by the State Government:

Provided that the State Government may appoint an Auditor to ensure that the Fund is utilised for the intended purpose. ".

7. In section 18 of the principal Act, before the existing Explanation, the following proviso shall be inserted, namely:— Amendment of section 18.

"Provided that the Central Government shall not impose complete ban on the export of the carbon credit certificates to the foreign countries, that may affect India's commitments or obligations to any international agreement.".

8. In section 26, for sub-section (*1A*), the following sub-section shall be substituted, namely:— Amendment of section 26.

"(*1A*) If any person fails to comply with the directions issued under clauses (*n*) and (*z*) of section 14, he shall be liable to a penalty which shall not exceed ten lakh rupees for each such failure:

Provided that he shall also be liable to an additional penalty which shall not be less than twice the price of every metric ton of oil equivalent or the price of every carbon credit certificate whichever is less prescribed under this Act, which is in excess of the prescribed norms.".

STATEMENT OF OBJECTS AND REASONS

The establishment of the carbon market in India is a need of the hour. Making sure that the market falls in line with the global market trend is also equally important. A carbon market with a strong framework and checks and balances will last long withstanding economic shocks such as price rise and inflation. Because, industries/companies (registered entities) may pass on any increase in their costs to their consumers, thereby affecting the general public. While introducing the carbon trading concepts in India, the equal focus must be given to emission reduction of pollutants as given to the promotion of the use of non- fossil fuel sources.

Incorporating global best practices is another important aspect of introducing the carbon market to India. The Regional Greenhouse Gas Initiative is the first cap-and-invest regional initiative implemented in the United States. The RGGI caps and reduces power sector CO2 emissions by issuing CO2 allowances, projecting the RGGI cap in CO2 allowances. The EU Emissions Trading System (ETS) works on the principle of 'cap-and-trade' too. The emission reduction is achieved by putting a limit/cap on the total amount of certain greenhouse gases emitted by the entities each year, which is reduced over me. This Bill seeks to incorporate necessary checks and balances in the Act, thus preventing delegation of too much power to the ruling dispensation which is dangerous for any democracy.

The Energy Conservation (Amendment) Bill, 2022, *inter alia,* seeks to—

(*a*) empower the Central Government to prevent illegal activities involving carbon credit certification by converting it into virtual digital assets;

(*b*) give preference to Indian companies to establish the carbon market and implement the rules regarding the same, in India;

(*c*) maintain a buffer stock of carbon credit certificates in India, to manage any economic shock in future;

(*d*) establish a registry of carbon credit certificates;

(*e*) give more powers to State Governments to monitor the utilization of the State energy conservation fund for the intended purpose of the Act;

(*f*) ensure the penalty for the violators of the law does not become lenient over the years.

The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
November 21, 2022.

GAURAV GOGOI

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FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for constitution of the State Energy Conservation Fund. It also provides for crediting of grant and loans to the fund by the Central Government. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crore is also likely to be involved.

BILL NO. 44 OF 2023

A Bill further to amend the Representation of the People Act, 1950.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 20A.

43 of 1950.

2. In section 20A of the Representation of the People Act, 1950, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election at the nearest Embassy or High Commission or Consulate General of India, if the person is residing outside India."

STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution of India viewed the right to vote as one of the most fundamental elements of democratic citizenship. Seven decades ago, they undertook a bold experiment by adopting universal adult suffrage, as enshrined in Article 326 of the Constitution of India. Our founding mothers and fathers were clear on this basic principle – that voting rights were for all Indian citizens, irrespective of caste, colour, creed, sex, place of Birth, educational attainment, or disablity.

The sustained strength of India's democracy can be measured from the fact that while in 1951, at the time of India's first general election, only 17 per cent of the eligible citizens were registered as electors and 45 per cent of them turned out to vote, in 2019, during India's latest general election, over 91 per cent of the eligible citizens were registered with 67 per cent of them coming out to vote, which is the highest voter turnout in India's electoral history.

However, a worrying trend is the disenfranchisement of Non-Resident Indians (NRIs) from the electoral process. As per latest data by the Ministry of External Affairs, out of the total 1.33 crore NRIs living in various parts of the globe, a miniscule 0.9 per cent are registered to vote, according to figures by the Election Commission of India. Of the 1.22 lakh registered NRI electors, less than 21 per cent voted in the 2019 general elections.

Indian diaspora has grown manifold since the mid-19th and early 20th century, when Indians first started emigrating overseas for work. According to the World Migration Report, by the International Organisation for Migration under the United Nations, India has the largest emigrant population in the world, with 6.4 per cent of the total 28 crore international migrants tracing their origin to India. The Indian diaspora holds considerable influence over our nation's culture, society, and economy. In its latest Migration and Development Brief, the World Bank has stated that for the first time, a single country, India, is on track to receive more than USD 100 Billion in yearly remittances. Remittances will record a 12 per cent increase from 2021. India's remittance flows account for nearly 3 per cent of the country's Gross Domestic Product (GDP) in 2022. Yet, NRIs' direct involvement in India's electoral politics has been limited.

The Representation of the People Act, 1950 was amended in 2010, making way for a special provision, allowing for all Indian citizens to be enrolled in the electoral rolls in the constituency which is their place of residence in India as mentioned in their passport. While an appreciable first step, the dismal NRI voter figures warrant introspection. A key reason for low NRI voter turnout could be an onerous requirement – while they can vote, NRIs must be physically present in their constituency in India on the day of the election. For a large majority, interrupting their lives overseas, to travel to India in order to exercise their right to vote, is something they cannot afford.

As a result, NRIs' concerns are completely side-lined from electoral politics. A possible solution to bridge this issue is making provisions for all the NRIs' eligible to vote at the nearest Embassy or High Commission or Consulate General of India in order to enhance their voter turnouts and political participation.

As envisioned by our Constitution framers, in a democracy as vibrant as ours, no Indian voter should be left behind. This Bill is an attempt to create a legislative framework to allow for enhanced expatriate participation in India's democracy.

The Bill, therefore, seeks to amend the Representation of the People Act, 1950 with a view to make provisions for the persons residing outside India to exercise franchise at the nearest Embassy or High Commission or Consulate General of India in order to enhance their voter turnouts and political participation.

Hence, this Bill.

NEW DELHI ; KARTI P. CHIDAMBARAM

January 18, 2023.

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FINANCIAL MEMORANDUM

Clause 2 of the Bill vide proposed amendment to section 20A provides for the persons residing outside India to exercise franchise at the nearest Embassy or High Commission or Consulate General of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to estimate the recurring and non-recurring expenditure likely to be incurred from the Consolidated Fund of India.

BILL NO. 234 OF 2022

A Bill further to amend the Central Universities Act, 2009.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Central Universities (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. Short title and commencement.

25 of 2009

2. After section 3F of the Central Universities Act, 2009 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— Insertion of new section 3G.

"3G. There shall be established a University, which shall be a body corporate, to be known as the Darjeeling Central University, having its territorial jurisdiction extending to the whole of the Gorkhaland Territorial Administration and the territories to the north of River Ganga in West Bengal as specified in the First Schedule to this Act." Establishment of Darjeeling Central University.

3. In the First Schedule to the principal Act, after serial number 16 and the entries relating thereto, the following serial number and entries shall be inserted, namely:— Amendment of the First Schedule.

"17. West Bengal	Darjeeling Central University.	Whole of Gorkhaland Territorial Administration and territories to the north of River Ganga in the State of West Bengal.".

STATEMENT OF OBJECTS AND REASONS

The Central Universities Act, 2009 was enacted to establish and incorporate universities for teaching and research in various States and for matters connected therewith or incidental thereto.

Darjeeling has remained a hub of education not only in India, but also across the South and South-East Asian countries. Darjeeling region, is home to some of the best schools in India and students from all over Asia come to study in the hills. Establishment of an institution of higher and technical learning in the region, has been a long-standing aspiration and pertinent demand of the people. Establishing a Central University in Darjeeling can help to turn it into one of the hubs for higher education in India and an important education center in all of South and South East Asia.

In 2011, an in-principal agreement for the establishment of a Central University in the Gorkhaland Territorial Administration (GTA) had been reached between the Central Government, West Bengal Government, and the Gorkha representatives. Despite passage of new ten years since the agreement, steps towards establishment of the university have not been undertaken.

Moreover, out of 55 Central Universities, there is only one Visva Bharati that is located in West Bengal, and it was founded by Gurudev Rabindranath Tagore in 1921. Since then, no other Central University has been established in West Bengal. The population of the State has crossed 10 crores and only one Central University is not enough to cater to the needs of the students.

At present, there is no Central University in the Gorkhaland Territorial Administration region and Northern Districts of West Bengal. Therefore, establishing a new Central University in the Gorkhaland Territorial Administration will ensure increase in accessibility and quality of higher education and to facilitate and promote avenues of higher education and research for the people of the Gorkhaland Territorial Administration, North Bengal region of West Bengal. This shall also cater to the regional aspirations for years to come.

The Central Universities (Amendment) Bill, 2022 seeks to amend the Central Universities Act, 2009 *inter alia* to provide for the establishment of a University in the name of "Darjeeling Central University" having Territorial jurisdiction in the Gorkhaland Territorial Administration and North Bengal region in the State of West Bengal.

The Bill seeks to achieve the above objects.

New Delhi ; RAJU BISTA
21 *November*, 2022.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new section 3G in the Central Universities Act, 2009 which provides for the establishment of a new University, to be known as the 'Darjeeling Central University', as a body corporate having territorial jurisdiction extending to the whole of the Gorkhaland Territorial Administration and territories of north of River Ganga in West Bengal.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees fifty crore will be involved per annum from the Consolidated Fund of India. A non-recurring expenditure of about rupees six hundred crores is also likely to be involved.

BILL NO. 279 OF 2022

A Bill to provide for the establishment of an Agricultural Produce Price Fixation Board to fix the remunerative support price of agricultural produce including fruits and vegetables on annual and seasonal basis and for timely intervention by the Government at the time of steep fall in prices of such produce in the open market and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Agricultural Produce Price Fixation Board Act, 2022.

(*2*) It extends to the whole of India.

Defnitions.

2. In this Act, unless the context otherwise requires:—

(*a*) "agricultural produce" includes wheat, paddy, pulses, sugarcane, cotton, oil seeds, coarse grains like maize, millet, jowar, bajra, gram, soyabean, fruits and vegetables such as potato, onion, tomato, cauliflower, cabbage including such other agricultural or horticultural produce which are used for human consumption or for any medicinal purposes;

(*b*) "appropriate Government" means in the case of a State, the State Government and in the other cases, the Central Government;

(*c*) "Board" means the Agricultural Produce Price Fixation Board established under section 3;

(*d*) "Government agency" means and includes any agency of the Government by whatever name called or which receives grants from the Government and which is engaged in procurement, distribution and canalising agricultural produces; and

(*e*) "prescribed" means prescribed by rules made under this Act.

Constitution of an Agricultural Produce Price Fixation Board.

3. (*1*) The Central Government shall, as soon as may be, but not later than six months from the date of commencement of this Act, by notification in the Official Gazette, constitute a Board to be known as Agricultural Produce Price Fixation Board.

(*2*) The headquarters of the Board shall be at Alappuzha in the State of Kerala.

(*3*) The Board shall consist of:—

(*a*) a Chairperson and a Deputy Chairperson having relevant educational qualifications and experience in field of agriculture, to be appointed by the Central Government in such manner as may be prescribed;

(*b*) one member from each zonal office of the Board set up under sub-section (*5*);

(*c*) one member each to represent the Union Ministries dealing with Agriculture, Consumer Affairs, Food and Public Distribution, Food Processing Industries, Chemicals and Fertilisers and Finance;

(*d*) one member to represent the Indian Council of Agricultural Research;

(*e*) four members to be appointed by the Central Government from amongst the farmers and agricultural labourers, in rotation from different States in such manner as may be prescribed; and

(*f*) four members of Parliament, of whom two shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses.

(*4*) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(*5*) The Board shall set up one zonal office each in the eastern, western, northern, north eastern, central and southern parts of the country comprising of such States and Union territories, as may be determined by the Board and each zonal office shall consist of such number of members as may be prescribed.

(*6*) The term of office of the Chairperson, Deputy Chairperson and the manner of filling vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

Functions of the Board.

4. (*1*) The Board shall —

(*i*) fix and declare minimum remunerative support prices of agricultural produce before every sowing season after examining the recommendations of all the zonal offices:

Provided that different prices may be fixed for different produce and for different zones;

(*ii*) fix the issue prices of foodgrains for retail sale to consumers every year;

(*iii*) perform its functions in close liaison with Government agencies, institutions including co-operative societies and such other authorities concerned with the procurement, supply, distribution, trade of agricultural produce and avoid duplication of efforts; and

(*iv*) give wide publicity to the remunerative prices fixed for agricultural produce through electronic and print media throughout the country.

Function of the zonal office.

5. (*1*) It shall be the duty of each zonal office of the Board to recommend to the Board the remunerative support prices of agricultural produce in respect of its jurisdiction.

(*2*) Every zonal office of the Board, before recommending the minimum support remunerative prices of agricultural produce, shall take into account all relevant factors, but in particular, the following, namely:—

(*a*) average capital investment made by farmers in growing the produce;

(*b*) average labour charges;

(*c*) interest on loans borrowed for growing the produce;

(*d*) premium for crop insurance, if any;

(*e*) maintenance cost of the land;

(*f*) expenditure on fertilizers, pesticides, seeds and electricity, etc.;

(*g*) any concession, rebate or subsidy provided by Government in relation to agricultural produce;

(*h*) prevailing open market price of each product;

(*i*) climatic conditions and incidence of natural calamities like floods, droughts, hailstorms, cyclones and untimely rains; and

(*j*) average monthly household expenditure of a farmer.

Government agencies to purchase agricultural produce.

6. (*1*) In case any farmer fails to sell his produce in the open market at the desired prices, the Central Government shall purchase his produce at the price fixed by the Board through Government agencies.

(*2*) If there is a steep fall in the prices of agricultural produce in the open market, it shall be the duty of the appropriate Government to intervene through its agencies in the market to ensure that farmers shall get minimum support price of the produce and take such other measures as it may deem necessary to handle the situation and protect the interests of the farmers.

Appeal to Central Government regarding price fixation.

7. (*1*) If any farmer is not satisfied with the declaration of price fixed for any agricultural produce, he may file an appeal to the Authority designated for the purpose by the Central Government within thirty days for reviewing of such price.

(*2*) The designated Authority specified under sub-section (*1*), shall give its decision within fifteen days from the date of filing of such appeal.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purpose of this Act.

Act to have overriding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any- thing previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The farmers always expect remunerative prices of their agricultural produce in order to repay their loans which they borrowed for growing agricultural produce and to meet social obligations and household expenditure. But unfortunately, it is an usual phenomenon that in the immediate post-harvest period the prices of most of the agricultural produce decline very sharply and farmers are left high and dry and at the mercy of unscrupulous traders who exploit them to the maximum possible. Data reveals that very often, even the cost of production is not recovered by farmers.

At present, the Commission on Agricultural Costs and Prices under the Union Ministry of Agriculture and Farmers Welfare for determining the Minimum Support Price (MSP), considers (*1*) Demand and supply; (*2*) Cost of Production; (*3*) Price trends in the market, both domestic and international; (*4*) Inter crop price parity; (*5*) Terms of trade between agriculture and non-agriculture; (*6*) Likely implication of MSP on consumers of that product. Using these various parameters, MSP is often fixed even below the cost of production, ignoring the right to life and livelihood of the producer. Therefore, there is a need for price determination for farmers to take the sole mandate of securing adequate net returns to a farmer, over and above the comprehensive cost of production, rather than considering other parameters. In view of the above, to uphold the right to life and livelihood of farmers, which are their fundamental rights, it is proposed to constitute a statutory autonomous Agricultural Produce Price Fixation Board having representation of farmers and agricultural labourers to fix the remunerative prices for agricultural produce.

Hence this Bill.

NEW DELHI;
July 13, 2022

A.M. ARIFF

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Agricultural Produce Price Fixation Board. It further provides for setting up of zonal offices. Clause 4 *inter alia* provides that the Board shall give wide publicity through electronic and print media about the prices fixed. Clause 6 provides that the Central Government shall purchase agricultural produce at the prices fixed by the Board. Clause 8 provides for payment of adequate funds to the Board for carrying out the purposes of the Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore may also be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 272 OF 2022

A Bill to provide temporary benefits to the terminated employees including payment of unemployment allowance, medical expenses for a certain period after termination of service and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:–

Short title and commencement.

1. (*1*) This Act may be called the Terminated Employees (Temporary Benefits) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "employee" means any person employed on wages by an employer, either directly or through a contractor, to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical, clerical or any other work, whether the terms of employment be express or implied, and also includes a person declared to be an employee by the appropriate Government;

(*c*) "employer" means the owner or director of any establishment or organisation which is not owned, controlled or funded by the appropriate Government or an undertaking and who directly or indirectly or through an agent or any other person, employs any person on regular, casual, contractual or temporary basis or exercise control over the wages, hours of working and other working conditions of his employees;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "primary health care" means essential health care services including family planning, immunization, prevention of locally endemic diseases, treatment of common diseases or injuries, provision of essential facilities, health education, provision of food and nutrition accessible to individuals and provided by the appropriate Government;

(*f*) "secondary health care" includes second tier of health care system, in which patients from primary health care are referred to specialists in higher hospitals for treatment; and

(*g*) "terminated employee" means an employee whose services have been terminated by his employer on any ground other than the following grounds, namely:–

(*i*) proven misconduct causing physical or mental harm or both; or

(*ii*) fraud; or

(*iii*) breach of trust; or

(*iv*) cheating; or

(*v*) indulging in misappropriation of money with fraudulent means; or

(*vi*) having been convicted for an offence by a criminal court; or

(*vii*) having been convicted for an offence other than a criminal offence punishable by a sentence for a period of more than two years; and

(*h*) "tertiary health care" includes third level of health care system, in which specialized consultative care including Specialised Intensive Care Units, advanced diagnostic support services and specialized medical personnel is provided on referral from primary and secondary health care.

Benefits to be provided to the terminated employees.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, every employer shall provide to the terminated employee or his dependant family members the following benefits, namely:—

(*a*) payment of unemployment allowance at the rate not less than seventy percent. of the wages which were being paid to such employee prior to his termination in such manner as may be prescribed; and

(*b*) payment for medical expenses incurred which shall not be less than fifty percent. of the total cost in case of expenses under primary health care and not less than one lakh rupees in case of expenses under secondary and tertiary healthcare in such manner as may be prescribed.

(*2*) The terminated employee shall be eligible for benefits under clauses (*a*) and (*b*) only if such an employee had been employed for a period of not less than three hundred and sixty-five days by the same employer.

(*3*) The medical treatment expenses under clause (*b*) of sub-section (*1*) shall also be provided to the dependant family members of the terminated employee for a period of one hundred and twenty days from the month subsequent to the month of termination of the employee.

(*4*) Any agreement between the employer and employee or the agent of the employee that seek to nullify the provisions of this Act shall be deemed to be null and void *ab initio*.

Duration of payment of unemployment allowance.

4. The unemployment allowance under section 3 shall be paid for a period of ninety days from the date of termination of service of employee or until the employee whose employment has been terminated is employed again, whichever is earlier in time:

Provided that where the terminated employee is a widow, the unemployment allowance shall be paid for a period of one hundred and twenty days.

Benefits to be non-taxable.

5. Notwithstanding anything contained in any other law for the time being in force, the benefits provided under section 3 shall not be computed for the purpose of payment of Income Tax.

Constitution of Appropriate Authority.

6. (*1*) The Central Government shall, by notification in the Official Gazette, constitute an Authority to ensure implementation of the provisions of this Act.

(*2*) The composition of and other terms and conditions of the Authority shall be such as may be prescribed.

(*3*) The Authority shall, after a period of five years from the date of its constitution, review the benefits referred to in section 3.

(*4*) Notwithstanding anything in this Act, the Authority may, if it deems necessary, exempt certain category of employers from the application of this Act.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Act to have overriding effect.

9. The provisions of this Act shall have effect notwithstanding anything contained to the contrary in any other law for the time being in force.

Power to make rules.

10. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The globalised free and capitalist market has evolved into a system requiring adequate regulation and monitoring of employees welfare on the one hand and defining who qualifies as an employer on the other. The tendency to maximize profits at the cost of the welfare of the employees and exploitation of the necessity of the workers has resulted in unfavourable conditions for employees. The rise of the *gig economy, gamification* of the employees and the economy, and the ever expanding informal sector in India has on one hand brought success and wealth while, on the other hand but has also introduced uncertainty in the future of the employees.

Today the Indian economy is more than ever exposed to international eventualities and its effect on the daily lives of the people is highly pronounced. In light of this, the existing social security net is required to be strengthened and expanded. Such a step will serve not only the interests of workers but will also provide adequate financial support to them in distressed time. The Government of India must ensure that the Directive Principles stated in articles 38, 39(*e*) and 42 of Part IV of the Constitution are implemented in keeping with the responsibilities of a welfare State.

The need is to put an obligation on the State to secure a social order for the promotion of welfare of the people, provide public assistance in cases of unemployment, old age, sickness, disablement and also ensure that the health and strength of workers is not abused due to economic necessity.

The Bill, therefore, with a view to ensure social security, seeks to provide for payment of unemployment allowance and medical expenses to the terminated employees and their dependant family members for a certain period of time.

Hence this Bill.

NEW DELHI;
March 17, 2020.

LAVU SRI KRISHNA DEVARAYALU

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PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(*1*) AND 274(*1*) OF THE CONSTITUTION

[Copies of Letter Nos. DGE-H-11021/28/2021-SS-I and H-11021/28/ 2021-SS-I dated 12 September and 16 November, 2022 from Shri Bhupender Yadav, Minister of Labour and Employment and Environment, Forest and Climate Change to the Secretary General, Lok Sabha.]

I. The President, having been informed of the subject-matter of the Terminated Employees (Temporary Benefits) Bill, 2022 by Shri Lavu Sri Krishna Devarayalu, Member of Parliament, recommends the introduction of the Bill in Lok Sabha under clause (*1*) and the consideration of the Bill under clause (*3*) of article 117 of the Constitution.

II. The President, having been informed of the subject-matter of the Terminated Employees (Temporary Benefits) Bill, 2022 by Shri Lavu Sri Krishna Devarayalu, Member of Parliament, recommends the introduction of the Bill in Lok Sabha under clause (*1*) of article 274 of the Constitution.

[*Bill, being printed in 2022, the year in the title of the Bill has been changed from 2020 to 2022.]

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the constitution of an Authority to ensure implementation of the provisions of this Bill. Clause 7 provides that the Central Government shall provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees thirty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 202 of 2022

A BILL to provide for the promotion and development of the Chilli industry, constitution of a Chilli Board and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Chilli (Promotion and Development) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "advisories" means non-binding standards and guidance issued by the Board for promotion and development of the chilli industry;

(*b*) "Board" means the Chilli Board established under section 3 of this Act;

(*c*) "Chairperson" means the Chairperson of the Board appointed under clause (*a*) of sub-section (*3*) of section 3 of this Act;

(*d*) "chilli industry" means the industry engaged in the production, manufacture, export, supply, trade and commerce of chilli

(*e*) "directions" means binding standards and guidance issued by the Board for promotion and development of the chilli industry;

(*f*) "export" means taking out of India by sea, land or air;

(*g*) "exporter" means any person engaged in the business of export of chilli;

(*h*) "Fund" means the Chilli Promotion and Development Fund constituted under section 15;

(*i*) "grower" means the owner of chilli cultivation, and includes any agent of such owner, and mortgagee, lessee or any other person in actual possession of such chilli cultivation;

(*j*) "import" means bringing into India by sea, land or air;

(*k*) "importer" means any person engaged in the business of import of chilli;

(*l*) "member" means a member of the Board appointed under sub-section (*3*) of section 3 of this Act and includes the Chairperson;

(*m*) "prescribed" means prescribed by rules made under this Act;

(*n*) "specified" means specified by regulations made by the Board under this Act;

(*o*) "small grower" means a grower the size of whose cultivation does not exceed ten hectares;

(*p*) "stakeholders" means any person, entity or organisation engaged in the production, manufacture, export, supply, trade and commerce of chilli; and

(*q*) "worker" means any person who works in chilli cultivation excluding the grower.

CHAPTER II

THE CHILLI BOARD

Constitution and incorporation of the Board.

3. (*1*) The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board, to be called the Chilli Board.

(*2*) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name, sue and be sued.

(*3*) The Board shall consist of the following members:

(*a*) a Chairperson to be appointed by the Central Government in such manner as may be prescribed;

(*b*) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(*c*) three members to represent respectively the Ministries of the Central Government dealing with-

(*i*) Commerce;

(*ii*) Agriculture; and

(*iii*) Finance;

(*d*) four members to represent major chilli producing States to be appointed by the Central Government in such manner as may be prescribed;

(*e*) ten members to represent the growers, workers and exporters in the chilli industry to be appointed by the Central Government in such manner as may be prescribed;

(*f*) five members to represent such institutes or authorities having specialisation in research in the chilli industry, agriculture, foreign trade, packaging and food safety to be appointed by the Central Government in such manner as may be prescribed.

(*4*) The qualifications for appointment of the Chairperson and other members of the Board and the manner of filling vacancies among the members of the Board shall be such as may be prescribed.

Terms of office and conditions of service of Chairpersons and other members.

4. (*1*) The term of office of, salaries, remuneration or other allowance payable to, and the other conditions of service of, the Chairperson and other members of the Board shall be such as may be prescribed.

(*2*) The office of member of the Board shall not disqualify its holder for being chosen as or for being a member of either House of Parliament.

(*3*) Any officer of the Central Government when deputed by that Government to the Board shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

Vacancies, etc., not to invalidate proceedings of the Board.

5. No act or proceeding of the Board shall be invalid merely by reason of:

(*a*) any vacancy in, or any defect in the constitution of, the Board;

(*b*) any defect in the appointment of a person as Chairperson or member of the Board; or

(*c*) any irregularity in the procedure of the Board not affecting the merits of the case.

Chairperson to preside over meetings.

6. (*1*) The Chairperson shall preside over the meetings of the Board, and without prejudice to any provision of this Act, exercise and discharge such other powers and functions of the Board as may be prescribed.

(*2*) In the absence of a Chairperson in a meeting, the Board may elect any member who is present to preside over such meeting.

Committees, officers and staff.

7. (*1*) The Board may constitute such advisory or executive committees, appoint such officers and staff as it deems necessary for the efficient discharge of its functions under this Act.

(*2*) The method of recruitment and terms and conditions of service of officers and staff employed, as the case may be, shall be such as may be prescribed.

Functions of the Board.

8. (*1*) The Board shall be responsible for promotion and development of the chilli industry in the country.

(*2*) Without prejudice to the generality of sub-section (*1*), the Board shall:

(*a*) take such steps as it deems necessary in order to achieve objectives enlisted under section 9;

(*b*) monitor the export, import and price of chilli and propagate data and other information regarding the demand for and marketability of chilli in the country and in the foreign market;

(*c*) render scientific and technical advice aimed at improving the production, manufacture, supply and distribution of chilli;

(*d*) undertake, assist and encourage scientific, technological and economic research in the area of chilli production;

(*e*) collect statistics from stakeholders in the chilli industry;

(*f*) plan and implement human resource training and skill development in line with the needs of chilli industry;

(*g*) take steps either by itself or through accredited agencies to maintain quality standards for chilli produced in the country;

(*h*) collaborate and cooperate with national and international scientific and economic bodies for the benefit of the chilli industry;

(*i*) collaborate and cooperate with departments of the Central or State Governments on all matters relating to the promotion and development of chilli industry;

(*j*) protect the intellectual property rights of the Indigenous varieties of chillies in the country and abroad;

(*k*) subscribe to the share capital of or entering into any arrangement or other arrangements (whether by way of partnership, joint venture or any other manner) with any other body corporate for the purpose of promoting the development of chilli industry or for promotion and marketing of chilli in the country or elsewhere;

(*l*) advise the Central Government on all matters relating to the promotion and development of the chilli industry, including but not limited to the import and export of chilli;

(*m*) advise the Central Government with regard to participation in any international conference or scheme relating to the chilli industry;

(*n*) provide advisory services on matters including but not limited to research, testing and training to such other class of persons upon the payment of such fee or other charges as may be specified;

(*o*) formulate incentive schemes for the chilli industry;

(*p*) conduct seminars, workshops research activities and other programmes for development and promotion of chilli industry in the country; and

(*q*) any other actions in the interest of chilli industry.

CHAPTER III

PROMOTION AND DEVELOPMENT

Objectives to be followed for promotion and development.

9. The Central Government and the Board, as the case may be, while exercising its powers, discharging its functions, or undertaking any other activity under this Act shall be guided by the following objectives namely:

(*a*) optimising the production, sale and consumption of chilli, which may include:

(*i*) promoting the export of chilli;

(*ii*) promoting the sale and trade of chilli through e-commerce platforms;

(*iii*) improving the quality of chilli cultivated in the country for consumption in the country and export;

(*iv*) promoting branding, product diversification, value addition, packaging and furthering the interests of stakeholders involved in the chilli industry;

(*v*) promoting sustainable cultivation and increasing production and productivity of chilli;

(*vi*) providing support and encouragement to small growers for using and implementing new technology in chilli cultivation;

(*vii*) recommending fair and remunerative prices for chilli growers;

(*viii*) safeguarding the interests of chilli workers; and

(*ix*) increasing awareness among the general public about the chilli industry in the country.

(*b*) promoting economic, scientific and technical research into the chilli industry, which may include:-

(*i*) collecting, analysing, and disseminating economic, scientific and technical data, information, statistics, and studies related to the chilli industry in the country;

(*ii*) encouraging the adoption of best available technologies so as to minimize the adverse impact of climate change;

(*iii*) promoting an understanding of plant ecology, physiology, and pathology among growers; and

(*iv*) encouraging the adoption of global best practices by the chilli industry in the country.

Issuance of direction and advisories by the Board.

10. For the purposes of this Act, the Board may issue directions or advisories to stakeholders and such other persons in the chilli industry or any class thereof, as it may deem fit:

Provided that every direction issued shall be complied with by any person engaged in the chilli industry to who such direction has been issued.

CHAPTER IV

COMPLIANCES

Registration.

11. (*1*) Every stakeholder shall obtain a certificate of registration issued by the Board in such form, subject to such conditions and payment of such fee, and with effect from such date as may be specified:

Provided that the Central Government may, by notification in the Official Gazette, exempt such person or class of persons as may be specified.

(*2*)The certificate of registration shall be issued or rejected after due verification in such manner and within such period as may be specified.

(*3*)The certificate of registration shall be deemed to have been issued after the expiry of the period specified under sub-section (*2*), if no deficiency has been communicated to applicant within that period.

(*4*)A certificate of registration issued, or deemed to have been issued under this section shall remain valid for a period of fifteen years, or such period beyond fifteen years as may be specified by the Board, from the date on which it was issued, or deemed to be issued, as the case may be, except when the certificate is cancelled or suspended pursuant to an inspection under section 12.

Submission of returns.

12. Every stakeholder liable to be registered under section 11 shall submit to the Board such returns at such times, in such form, and containing such particulars, as may be prescribed:

Provided that the Central Government may, by notification in the Official Gazette, exempt such person or class of persons as may be specified.

Inspection and penalties.

13. (*1*) Where the Board has reason to believe that any stakeholder:-

(*a*) has contravened any direction issued to such person under section 10;

(*b*) liable to be registered under section 11 has failed to obtain registration or has obtained registration through fraud or misrepresentation;

(*c*) liable to submit returns under section 12 has failed to submit returns, or has submitted false returns;

(*d*) has contravened any other provision of the Act,

it may authorise such officer, as may be prescribed, by an order in writing in such manner and subject to such conditions as may be specified, to conduct an inspection.

(*2*)In the course of inspection under sub-section (*1*), the authorised officers may, subject to such conditions and in such manner as may be prescribed:

(*a*) enter any place or premises where any activities related to the chilli industry are undertaken;

(*b*) require the production of any books, registers, records or other articles or papers kept therein; and

(*c*) ask for any information relating to the sale or purchase of chilli.

(*3*) Upon completion of the inspection, the authorised officer shall submit to the Board a report containing:

(*a*) recommendations on whether there is a contravention of the provisions of this Act; and

(*b*) in cases where there is found to be a contravention of the provisions of this Act, recommendations on the imposition of a penalty, suspension or cancellation of registration or such other particulars as may be prescribed.

(*4*) Upon receipt of the report referred to in sub-section (*3*), after considering the recommendations provided therein, the Board shall pass an order as may be deemed fit in such form, manner and subject to such conditions as may be prescribed for:

(*a*) closing the matter forthwith; or

(*b*) imposing a civil penalty which may extend to ten thousand rupees; or

(*c*) suspending or cancelling of registration under section 11; or

(*d*) or for conditions mentioned in clauses (*b*) and (*c*):

Provided that the amount of any penalty imposed under this section, if not paid, may be recovered as if it were an arrear of land revenue:

Provided further that no order of suspension or cancellation of registration shall be passed under this sub-section unless the person concerned has been given a reasonable opportunity of being heard in respect of the grounds of such suspension or cancellation, as the case may be.

Appeal.

14. (*1*) Any person aggrieved by an order passed under the provisions of sub-section (*4*) of section 13 may, within such period of the passing of the order, prefer an appeal to the Central Government, on payment of such fee, in such form and manner, and subject to such other conditions as may be prescribed.

(*2*) The Central Government may confirm, modify or reverse the order appealed against:

Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of being heard.

CHAPTER V

FINANCE, ACCOUNTS AND AUDITS

Chilli Promotion and Development Fund.

15. (*1*) The Board shall constitute a Fund to be called the Chilli Promotion and Development Fund.

(*2*) The Chilli Promotion and Development Fund shall be credited:

(*a*) all sums transferred to or vested in the Board;

(*b*) any grants and loans made to the Board by the Central Government;

(*c*) all fees levied and collected in respect of certificates of registration issued and any other fees or charges collected under this Act or the rules and regulations made thereunder;

(*d*) all sums received by the Board from such other sources as may be decided upon by the Central Government; and

(*e*) all assets transferred from the Spices Board Fund under the Spices Board Act, 1986 (*Act* 10 of 1986).

(*3*) The Fund shall be applied to:

(*a*) meet the salary, pension, remuneration and other allowances of the members, officers, and staff of the Board as applicable;

(*b*) meet the expenses relating to such measures as the Board may undertake under this Act from time to time in order to achieve the objectives enlisted in section 9, and in exercise of its general powers and functions under section 8;

(*c*) meet the other administrative expenses of the Board and any other expenses authorised by or under this Act;

(*d*) repay loans; and

(*e*) settle any liabilities arising out of legal proceedings.

Power to borrow.

16. The Board may, from time to time, with the previous sanction of the Central Government and under such conditions as may be prescribed, borrow any sum required for any of the purposes for which it is authorised to expend under this Act, from:—

(*a*) any bank or other financial institution by taking loan; or

(*b*) the public by issue of bonds or debentures or any such instrument in the form and manner approved by the Central Government.

Budget.

17. The Board shall prepare in such form and manner, at such time, and such intervals, as may be prescribed, its budget, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Accounts and audit.

18. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

Annual report.

19. (*1*) The Board shall prepare, in such form and manner and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

(*2*)The annual report prepared under sub-section (*1*) shall contain:—

(*a*) a description of all the activities of the Board for the previous year;

(*b*) the plan of the Board for the upcoming year; and

(*c*) any such other details as may be provided under any law for the time being in force.

Auditor's report and annual report to be laid before Parliament.

20. The Central Government shall cause the auditor's report under section 18 and annual report under section 19 to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VI

MISCELLANEOUS

Power of the Central Government to supersede the Board.

21. (*1*) If at any time the Central Government is of the opinion:

(*a*) that on account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(*b*) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act, in achieving the objectives enlisted in section 9 or in exercising its general powers and functions under section 8, and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

(*c*) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(*2*) Upon the publication of a notification under sub-section (*1*) superseding the Board:

(*a*) all the members shall, as from the date of supersession, vacate their offices as such;

(*b*) the general powers and functions which may, by or under the provisions of this Act, by exercised or discharged by or on behalf of the Board, shall until the Board is reconstituted under sub-section (*3*), be exercised and discharged by such person or persons as the Central Government may direct; and

(*c*) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (*3*), vest in the Central Government.

(*3*) On the expiration of the period of supersession specified in the notification issued under sub-section (*1*), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (*a*) of sub-section (*2*), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(*4*) The Central Government shall cause a notification issued under sub-section (*1*) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

Power of Central Government to issue directions.

22. (*1*) Without prejudice to the foregoing provisions of this Act, the Board, in discharge of its general powers and functions under this Act, shall be bound by such directions as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is one of policy or not shall be final.

Power to delegate.

23. The Central Government may by notification in the Official Gazette, direct that any power exercisable and functions performed by it under this Act may be exercised and performed in such cases and subject to such conditions, if any, as may be prescribed in the notification by such officer or authority as may be prescribed therein.

Protection of action taken in good faith.

24. No suit, prosecution or other legal proceedings shall lie against the Central Government, the Board, or any officer, member, or employee thereof for anything which is done or intended to be done in good faith under this Act or the rules or regulations made, or standards notified thereunder.

Power to make rules.

25. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the qualification for appointment of the members of the Board and the manner of filling of vacancies among the members of the Board under sub-section (*4*) of section 3;

(*b*) the procedure to be followed at meetings of the Board and at committees thereof for the conduct of business, and the number of members which shall form a quorum at any meeting;

(*c*) the holding of a minimum number of meetings of the Board every year;

(*d*) the term of office of, salaries, remuneration, or other allowances payable to, and the other terms and conditions of service of, the Chairperson and other members of the Board under sub-section (*1*) section 4;

(*e*) the other powers and functions of the Board which shall be discharged by the Chairperson under sub-section (*1*) of section 6;

(*f*) the officers who shall be authorised by the Board to conduct inspection under sub-section (*1*) of section 13;

(*g*) the form and the manner of, and the conditions to be met and fee to be paid for, preferring an appeal to the Central Government under sub-section (*1*) of section 14;

(*h*) the conditions to be met for borrowing any sum under section 16;

(*i*) the form and the manner of, the time at which and the intervals for the preparation of a Budget under section 17;

(*j*) the form and the manner in which the accounts of the Board shall be audited and the date before which the audited copy of the accounts may be furnished to the

Central Government under section 18;

(*k*) the form and the manner and the time at which the annual report shall be prepared under section 19; and

(*l*) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

Power to make regulations.

26. (*1*) Subject to the provisions of section 9, and with the approval of the Central Government, the Board may by notification in the Official Gazette make such regulations consistent with this Act and any rules made thereunder to carry out its functions under this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely:

(*a*) the method of collecting statistics from such stakeholders in the chilli industry;

(*b*) the method of recruitment and terms and conditions of service of any officers appointed, and any staff employed under sub-section (*2*) of section 7;

(*c*) the fee or other charges for providing advisory services under clause (n) of sub-section (*2*) of section 8; and

(*d*) the form and the manner of, the conditions to be met and fee to be paid for, and the date of effect of certificate of, registration under sub-section (*1*) of section 11;

(*e*) the manner of verification of an application to obtain certificate of registration and the period within which such certificate shall be issued or rejected under sub-section (*2*) of section 11;

(*f*) the period of validity of a certificate of registration under sub- section (*4*) of section 11;

(*g*) the form and the manner of, the particulars to be contained in, and the times at which, returns shall be submitted under section 12;

(*h*) the conditions subject to which the Board may authorise officers to conduct an inspection by an order in writing under sub- section (*1*) of section 13;

(*i*) conditions subject to and manner in which inspection is to be conducted under sub-section (*2*) of section 13;

(*j*) the particulars to be contained in the report to be submitted by an executive officer upon completion of investigation under sub- section (*3*) of section 13;

(*k*) the form, manner, and conditions subject to which the Board shall pass an order under sub-section (*4*) of section 13;

(*l*) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by regulations.

Rules and regulations to be laid before Parliament.

27. Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses gree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

28. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

29. (*1*) Notwithstanding anything contained in this Act or any other law for the time being in force, on and from the date of commencement of this Act, all matters pertaining to chilli under the Spices Board Act, 1986 (*A*ct 10 of 1986) shall be deemed to be governed by the provisions of this Act.

(*2*) On and from the date of commencement of this Act, any stakeholder in the chilli industry that has a valid registration, certification or licence, by whatever name called, under the Spices Board Act, 1986 (*A*ct 10 of 1986), shall be deemed to be registered under section 11, and shall be deemed to remain so registered till the registration or license as the case may be, remains valid under the Spices Board Act, 1986 (*A*ct 10 of 1986).

Act to have overriding effect.

30. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Amendment of Act 10 of 1986

31. In the Spices Board Act, 1986 in the Schedule, the entry namely, '3. Chilly', shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Spices Board Act, 1986 was enacted for the purpose of development of export of 26 specified spices, including chilli. Among these spices, chilli assumes great significance for a variety of reasons. India is the largest producer and exporter of chilli in the world. It contributes to roughly 37 per cent. of the total global chilli production, with an estimated production of 14 million tonnes. It has about 8 million hectare of land under chilli production, amounting to 39 per cent. of the total area under chilli production in the world.

India's export of chilli and chilli products is valued at more than Rs. 6,000 crores, with the export quantity having almost doubled in the last decade. Within the basket of spices exported from India, chilli contributed to more than 40 per cent. of the volume and 30 per cent. of the value. One of the primary reasons for the high demand, popularity and renown of Indian chilli, especially in lucrative markets of the USA and UK, is its superior commercial qualities of colour and pungency.

These factors make chilli one of the most prominent spices in the country and across the world. However, the potential of the chilli industry is immense and remains to be fully exploited. Due to the fact that chilli has been clubbed with 25 other spices under the Spices Board, it has been difficult to provide concerted attention to and allocate sufficient resources for the promotion and development of the chilli industry in the country. A separate Chilli Board will help address these problems while also allowing the Spices Board to focus its efforts on promoting other spices under its ambit.

The Bill, therefore, provides for the removal of chilli from the purview of the Spices Board Act, 1986 and instead facilitate its promotion and development through the constitution of a separate Chilli Board. It also provides for allied matters such as registration of stakeholders, inspections and penalties, appeals, budget, audits and annual reports. Furthermore, it establishes a Chilli Promotion and Development Fund towards payment of salaries, allowances, etc. of the members, officers, and staff of the Board and meeting other administrative expenses of the Board. The Bill also makes the necessary provisions to facilitate the smooth transition of chilli industry from the scope of the Spices Board to the new Chilli Board. Through this Bill, the Indian chilli industry can achieve greater heights of prosperity and reach its true economic potential whilst also promoting the overall welfare of all stakeholders involved.

Hence this Bill.

NEW DELHI;
11 *July*, 2022

LAVU SRI KRISHNA DEVARAYALU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Chilli Board. It also provides for appointment of the Chairperson and other members of the Board. Clause 4 provides for the term of office of, salaries, remuneration or other allowance payable to, and the other conditions of service of, the Chairperson and other members of the Board. Clause 7 provides for the constitution of advisory or executive committees, appointment of officers and employment of staff of the Board. Clause 15 provides for the constitution of a Fund called the Chill Promotion and Development Fund. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees twenty crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty five crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

Clause 26 of the Bill empowers the Board, with approval of the Central Government, to make regulations for carrying out the purposes of the Bill.

As the matters in respect of which rules, regulations or orders may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 247 OF 2022

A Bill to provide protection against sexual harassment at workplace to people of all genders including women, men and other genders and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Sexual Harassment at Workplace (*P*revention, Prohibition and Redressal) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "aggrieved person" means—

(*i*) in relation to a workplace, a person, of any age whether employed or not which includes employees and customer, client, visitor, patient or any such person, who allege to have been subjected to any act of sexual harassment by the respondent;

(*ii*) in relation to dwelling place or house, a person of any age who is employed in such a dwelling place or house;

(*b*) "appropriate Government" means-

(*i*) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly-

(*A*) by the Central Government or the Union territory administration, the Central Government;

(*B*) by the State Government, the State Government;

(*ii*) in relation to any workplace not covered under sub-clause (*i*) and falling within its territory, the State Government;

(*c*) "Chairperson" means the Chairperson of the Local Committee nominated under sub-section (*1*) of section 7;

(*d*) "District Officer" means an officer notified under section 5;

(*e*) "domestic worker" means a person who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;

(*f*) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor and gig workers with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(*g*) "gig worker" means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship;

(*h*) "employer" means-

(*i*) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(*ii*) in any workplace not covered under sub-clause (*i*), any person responsible for the management, supervision and control of the workplace.

Explanation.—For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of police for such organisation;

(*iii*) in relation to workplace covered under sub-clauses (*i*) and (*ii*), the person discharging contractual obligations with respect to his or her employees;

(*iv*) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of

the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

(*i*) "Internal Committee" means an Internal Committee constituted under section 4;

(*j*) "Local Committee" means the Local Committee constituted under section 6;

(*k*) "Member" means a Member of the Internal Committee or the Local Committee, as the case may be;

(*l*) "prescribed" means prescribed by rules made under this Act;

(*m*) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (*2*) of section 4;

(*n*) "respondent' means a person against whom the aggrieved person has made a complaint under section 9;

(*o*) "sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

(*i*) physical contact and advances; or

(*ii*) a demand or request for sexual favours; or

(*iii*) making sexually coloured remarks; or

(*iv*) showing pornography; or

(*v*) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

(*p*) "workplace" includes—

(*i*) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(*ii*) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;

(*iii*) hospitals or nursing homes;

(*iv*) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(*v*) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;

(*vi*) a dwelling place or a house;

(*q*) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of sexual harassment.

3. (*1*) No person shall be subjected to sexual harassment at any workplace.

(*2*) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:-

(*i*) implied or explicit promise of preferential treatment in their employment; or

(*ii*) implied or explicit threat of detrimental treatment in their employ- ment; or

(*iii*) implied or explicit threat about their present or future employment status; or

(*iv*) interference with their work or creating an intimidating or offensive or hostile work environment for them; or

(*v*) humiliating treatment likely to affect their health or safety.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution of Internal Committee.

4. (*1*) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(*2*) The Internal Committees shall consist of the following members to be nominated by the employer, namely:-

(*a*) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (*1*):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(*b*) not less than two Members from amongst employees preferably committed to the cause of prevention of sexual harassment or who have had experience in social work or have legal knowledge;

(*c*) one member from amongst non-governmental organisations or associations committed to the cause of prevention of sexual harassment or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

(*3*) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(*4*) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(*5*) Where the Presiding Officer or any Member of the Internal Committee,—

(*a*) contravenes the provisions of section 16; or

(*b*) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(*c*) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them; or

(*d*) has so abused their position as to render their continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Internal Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

CHAPTER III

CONSTITUTION OF LOCAL COMMITTEE

Notification of District Officer.

5. (*1*) The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

(*2*) The appropriate Government shall publish the notified list of District Officers on the portal of the Labour Department of each State.

Constitution and jurisdiction of Local Committee.

6. (*1*) Every District Officer shall constitute in the district concerned, a committee to be known as the Local Committee to receive complaints of sexual harassment from establishments where the Internal Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

(*2*) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Committee within a period of seven days.

(*3*) The jurisdiction of the Local Committee shall extend to the areas of the district where it is constituted.

(*4*) The District Officer shall publish the details of the nodal officer on the portal of the Labour Department of each State.

Composition, tenure and other terms and condition of Local Committee.

7. (*1*) The Local Committee shall consist of the following members to be nominated by the District Officer, namely:-

(*a*) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(*b*) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(*c*) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(*d*) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.

(*2*) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding five years, from the date of their appointment as may be specified by the District Officer.

(*3*) Where the Chairperson or any Member of the Local Committee-

(*a*) contravenes the provisions of section 16; or

(*b*) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them; or

(*c*) has beenfound guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them; or

(*d*) has so abused their position as to render their continuance in office prejudicial to the public interest, such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(*4*) The Chairperson or Members of the Local Committee other than the Members nominated under clauses (*b*) and (*d*) of sub-section (*1*) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

Grants and audit.

8. (*1*) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub- section (*4*) of section 7.

(*2*) The State Government may set up an agency and transfer the grants made under sub-section (*1*) to that agency.

(*3*) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (*4*) of section 7.

(*4*) The accounts of the agency referred to in sub-section (*2*) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

CHAPTER IV

COMPLAINT

Complaint of sexual harassment.

9. (*1*) Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the aggrieved person for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the aggrieved person from filing a complaint within the said period.

(*2*) Where the aggrieved person is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir or such other person as may be prescribed may make a complaint under this section.

(*3*) Where the respondent is not an employee in the workplace at which the incident of sexual harassment took place, and if the aggrieved person so desires, the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, shall initiate action under the Indian Penal Code (*45* of 1860) or any other law for the time being in force, against the respondent.

Conciliation.

10. (*1*) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved person take steps to settle the matter between the aggrieved person and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

(*2*) Where settlement has been arrived at under sub-section (*1*), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and

forward the same to the employer or the District Officer to take action as specified in the recommendation.

(*3*) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (*2*) to the aggrieved person and the respondent.

(*4*) Where a settlement is arrived at under sub-section (*1*), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

Inquiry into complaint.

11. (*1*) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (*45* of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved person informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (*2*) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(*2*) Notwithstanding anything contained in section 509 of the Indian Penal Code (*45* of 1860), the court may, when the respondent is convicted of the offence, 15 order payment of such sums as it may consider appropriate, to the aggrieved person by the respondent, having regard to the provisions of section 15.

(*3*) For the purpose of making an inquiry under sub-section (*1*), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (*5* of 1908) when trying a suit in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents; and

(*c*) any other matter which may be prescribed.

(*4*) The inquiry under sub-section (*1*) shall be completed within a period of ninety days.

CHAPTER V

INQUIRY INTO COMPLAINT

Action during pendency of inquiry.

12. (*1*) During the pendency of an inquiry on a written request made by the aggrieved person, the Internal Committee or the local Committee, as the case may be, may recommend to the employer to—

(*a*) transfer the aggrieved person or the respondent to any other workplace; or

(*b*) grant leave to the aggrieved person up to a period of three months; or

(*c*) grant such other relief to the aggrieved person as may be prescribed.

(*2*) The leave granted to the aggrieved person under this section shall be in addition to the leave they would be otherwise entitled.

(*3*) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (*1*), the employer shall implement the recommendations made under sub-section (*1*) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

Inquiry report.

13. (*1*) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

(*2*) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(*3*) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be—

(*i*) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed; and

(*ii*) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to absence from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved person:

Provided further that in case the respondent fails to pay the sum referred to in clause (*ii*), the Internal Committee or as, the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(*4*) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

Punishment for false or malicious complaint and false evidence.

14. (*1*) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the said person or the person who has made the complaint under sub-section (*1*) or sub-section (*2*) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(*2*) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the

service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

Determination of compensation.

15. For the purpose of determining the sums to be paid to the aggrieved person under clause (*ii*) of sub-section (*3*) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to-

(*a*) the mental trauma, pain, suffering and emotional distress caused to the aggrieved person;

(*b*) the loss in the career opportunity due to the incident of sexual harassment;

(*c*) medical expenses incurred by the victim for physical or psychiatric treatment;

(*d*) the income and financial status of the respondent; and

(*e*) feasibility of such payment in lump sum or in instalments.

Prohibition of publication or making known contents of complaint and inquiry proceedings.

16. Notwithstanding anything contained in the Right to Information Act, 2005 (*22* of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.

Penalty for publication or making known contents of complaint and inquiry proceedings.

17. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, the person shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

Appeal.

18. (*1*) Any person aggrieved from the recommendations made under sub-section (*2*) of section 13 or under clause (*i*) or clause (*ii*) of sub-section (*3*) of section 13 or sub-section (*1*) or sub-section (*2*) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

(*2*) The appropriate Government shall maintain an online repository on each State's Labour Department website where details of the appellate authority to whom appeal may be preferred under the Industrial Employment (Standing Orders) Act, 1946 shall be published.

(*3*) The appeal under sub-section (*1*) shall be preferred within a period of ninety days of the recommendations.

CHAPTER VI

DUTIES OF EMPLOYER

Duties of employer.

19. Every employer shall—

(*a*) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(*b*) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-

section (*1*) of section 4;

(*c*) organise workshops and awareness programmes at least once every calendar year, by a legal professional having experience/practice in the relevant laws or any professional/group certified in conducting trainings pertaining to prevention of sexual harassment, for sensitising the employees with the provisions of the Act and training programmes for the members of the Internal Committee to redress complaints in compliance with the provisions of the Act;

(*d*) file Annual Compliance Reports along with the details of the training which shall include details of the trainer who facilitated, number of employees and Internal Committee members who attended the training sessions and such other information;

(*e*) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;

(*f*) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;

(*g*) make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (*1*) of section 9;

(*h*) provide assistance to the person if he/she/they so chooses to file a complaint in relation to the offence under the Indian Penal Code (*45* of 1860) or any other law for the time being in force;

(*i*) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct; and

(*j*) monitor the timely submission of reports by the Internal Committee.

CHAPTER VII

DUTIES AND POWERS OF DISTRICT OFFICER

Duties and powers of District Officer.

20. The District Officer shall,—

(*a*) monitor the timely submission of report furnished by the Local Committee; and

(*b*) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment.

CHAPTER VIII

MISCELLANEOUS

Committee to submit annual report.

21. (*1*) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(*2*) The District Officer shall forward a brief report on the annual reports received under sub-section (*1*) to the State Government.

Employer to include information in annual report.

22. The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

Appropriate Government to monitor implementation and maintain data..

23. The appropriate Government shall monitor the implementation of this Act and maintain date on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.

Appropriate Government to take measures to publicise the Act.

24. The appropriate Government may, subject to the availability of financial and other resources,—

(*a*) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection of people against sexual harassment at workplace; and

(*b*) formulate orientation and training programmes for the members of the Local Committee.

Power to call for information and inspection of records.

25. (*1*) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of employees at a workplace to do so, by order in writing,—

(*a*) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require; and

(*b*) authorise any officer to make inspection of the records and work- place in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.

(*2*) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.

Penalty for non-compliance with provisions of Act.

26. (*1*) Where the employer fails to—

(*a*) constitute an Internal Committee under sub-section (*1*) of section 4;

(*b*) take action under sections 13, 14 and 22; and

(*c*) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, the employer shall be punishable with fine which may be equivalent to 2% of the annual global turnover of the entity and could go upto 4% of the annual global turnover or fifty thousand rupees, whichever is higher.

(*2*) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, the said employer shall be liable to—

(*i*) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

(*ii*) cancellation, of their licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on their business or activity.

Cognizance of offence by courts.

27. (*1*) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved person authorised by the Internal Committee or Local Committee in this behalf.

(*2*) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(*3*) Every offence under this Act shall be non-cognizable.

Power of appropriate Government to make rules.

28. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the fees or allowances to be paid to the Members under sub- section (*4*) of section 4;

(*b*) nomination of members under clause (*c*) of sub-section (*1*) of section 7;

(*c*) the fees or allowances to be paid to the Chairperson, and Members under sub-section (*4*) of section 7;

(*d*) the person who may make complaint under sub-section (*2*) of section 9;

(*e*) the manner of inquiry under sub-section (*1*) of section 11;

(*f*) the powers for making an inquiry under clause (*c*) of sub-section (*2*) of section 11;

(*g*) the relief to be recommended under clause (*c*) of sub-section (*1*) of section 12;

(*h*) the manner of action to be taken under clause (*i*) of sub-section (*3*) of section 13;

(*i*) the manner of action to be taken under sub-sections (*1*) and (*2*) of section 14;

(*j*) the manner of action to be taken under section 17;

(*k*) the manner of appeal under sub-section (*1*) of section 18;

(*l*) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (*c*) of section 19; and

(*m*) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (*1*) of section 21.

(*3*) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*4*) Any rule made under sub-section (*4*) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of 5 the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power to remove difficulties.

29. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and Savings.

30. (*1*) The Sexual Harassment of Women at Workplace (*P*revention, Prohibition and Redressal) Act, 2013 [Act No. 14 of 2013] shall stand repealed on and from the dates the notification referred to in sub-section (*2*) of section 1 is issued.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed under sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Sexual harassment at a workplace is considered to violate a person's fundamental right to equality, life and liberty. It creates an insecure and hostile work environment for employees, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.

The Supreme Court of India in the case of Vishaka vs. State of Rajasthan, (1997) 7 SCC 323, affirmed that sexual harassment at workplace is a form of discrimination against women and recognised that it violates the constitutional right to equality and provided guidelines to address this issue pending the enactment of a suitable legislation. Based on these guidelines, a legislation to provide safe, secure and enabling environment to every woman, irrespective of her age or employment status was enacted by way of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Constitution of India embodies the concept of equality under articles 14 and 15 and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth or any of them. Article 19(1)(g) gives the fundamental right to all citizens to practise any profession, or to carry on any occupation, trade, or business. This right pre-supposes the availability of an enabling environment for employees of all genders, which is egalitarian, safe, and secure in every aspect. Article 21, which relates to the right to life and personal liberty, includes the right to live with dignity, hence all employees irrespective of their gender must be treated with due respect, decency, and dignity at the workplace.

The Transgender Persons (Protection of Rights) Act, 2019 has provided formal and legal recognition to the transgender community. Hence, it has become imperative to ensure legislation on prevention of sexual harassment cuts across genders and is more inclusive. According to a study conducted by the National Human Rights Commission in 2018, about 6% of transgenders are employed in private sectors and NGOs. Besides this, a significant number of transgenders work in the unorganized sector.

Hence, to ensure an enabling working environment which safeguards and protects every individual in the workplace without any discrimination based on their gender, in both organised and unorganised sectors against all kinds of harassment, the proposed legislation contains provisions to protect every individual, irrespective of their gender, rank or position from any act of sexual harassment in workplace.

It is thus, proposed to amend this comprehensive legislation to make it more inclusive in nature by not limiting the scope of this legislation only to women, and to validate that the possibility of such sexual harassment incidents occurs even amongst other genders who are not included within the ambit of this legislation and ensure to provide due protection and safeguard their fundamental rights guaranteed under the Constitution of India.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 21, 2022.

LAVU SRI KRISHNA DEVARAYALU

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 6 of the Bill empower every District Officer to constitute a Local Committee in the District concerned and sub-clause (2) provides for additional Local Committees at Block, Taluk or Tehsil in rural or tribal areas and ward or municipality in urban area, wherever required. Sub-clause (4) of clause 7 provides for payment of fees or allowances to the Chairperson and Members of the Local Committee for conducting the proceedings of the Committee.

2. Sub-clause (1) of clause 8 of the Bill provides that the Central Government may, after due appropriation made by Parliament, by law in this behalf, make to the State Government grant of such sum of money as the Central Government may think fit for being utilised for the payment of fees and allowances to the Chairperson and Members of the Local Committee.

3. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at present to give the estimates of recurring expenditure and non-recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (*1*) of clause 28 of the Bill provides that the Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the proposed legislation. Sub-clause (*2*) specifies the matters in respect of which such rules may be made. These matters, inter alia, include -

(*a*) the fees or allowances to be paid to the Presiding Officer and Members under sub-clause (*4*) of clause 4;

(*b*) the fees or allowances to be paid to the Chairperson, and Members under sub-clause (*4*) of clause 7;

(*c*) the person who may make complaint under sub-clause (*2*) of clause 9;

(*d*) the manner of enquiry under sub-clause (*1*) of clause 11;

(*e*) the powers for making enquiry under item (*c*) of sub-clause (*2*) of clause 11;

(*f*) the relief to be recommended under item (*c*) of sub-clause (*1*) of clause 12;

(*g*) the manner of action to be taken under item (*i*) of sub-clause (*3*) of clause 13;

(*h*) the manner of action to be taken under sub-clauses (*1*) and (*2*) of clause 14;

(*i*) the manner of action to be taken under clause 17;

(*j*) the manner of appeal under sub-clause (*1*) of clause 18; and

(*k*) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-clause (*1*) of clause 21.

2. Sub-clause (*3*) of clause 28 provides that every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament. Sub-clause (4) of that clause provides that any rule made by the State Government shall be laid before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

3. The matters in respect of which the Central Government may make rules are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 227 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:-

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2022.

(*2*) It shall come into force on such date, as the Central Governmentb may, by notification in the official Gazette, appoint.

Amendment of article 58.

2. In article 58 of the Constitution, in clause (2), for the words "local or other authority", the words "local or other authority or institution of self-government" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The 73rd and 74th Constitutional Amendments passed by Parliament in 1992 introduced local self governance throughout the territory of India. The Acts came into force as the Constitution (73rd Amendment) Act, 1992 on April 24, 1993 and the Constitution (74th Amendment) Act, 1992 on June 1, 1993.

These amendments added two new parts to the Constitution, namely,-

- 73rd Amendment added Part IX titled "The Panchayats" adding Articles 243 to 243 (O) dealing with Panchayats; and
- 74th Amendment added Part IXA titled "The Municipalities" adding Articles 243(P) to 243 (ZG) dealing with Municipality.

Articles 243(G) and 243(W) prescribe the powers, authorities and responsibilities etc. of Panchayats and Municipalities respectively. The XI and XII schedule of the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regards to Article 243(G) and by Municipalities with regards to Article 243(W) respectively. The Constitution, hence, deals with Panchayats and Municipalities in great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution of India and the manner in which representation of the citizens, governance and devolution of powers in the nation was to be conducted.

However, while monumental in themselves, the amendments failed to change the qualifications for the election of the President of the Union of India.

Article 58(2) states the ineligibility for election as President of India by cause of holding an Office of Profit and the above two chapters were introduced without reflecting within the article the change in the makeup of the State as undertaken by the institution of the third level of governance under Panchayats and Municipalities by these amendments.

The inclusion of Panchayats and Municipalities as separate and distinct bodies in the Constitution as established by the 73rd and 74th Constitutional Amendments requires their inclusion as a disqualification under Office of Profit for the election to the nation's Presidency. This is because the highest holder of office in the nation should not be influenced in any manner by any authority in the discharge of his/her duties.

Now in view of the above mentioned proposed amendment the Panchayats and Municipalities will also be enshrined within the executive offices of the State as offices of profit for the Presidency of the nation as distinct bodies rather than their present inclusion under 'any local or other authority'.

Hence it has become expedient to introduce the words "or Institution of self-government"within Article 58(2) of the Constitution of India.

Hence this Bill.

NEW DELHI;
23 *November*, 2022.

P.P. CHAUDHARY

BILL NO. 294 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2022.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to Constitution,—

(i) in List II - State list, entry 17 shall be omitted; and

(ii) in List III - Concurrent List, after entry 32, the following entry shall be inserted, namely:—

"32A. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of list I.".

STATEMENT OF OBJECTS AND REASONS

Life is impossible without water. All living beings including human, animals and plants need water for their survival. Therefore, it is desirable that requisite amount of water is available without any hindrance for drinking and irrigation.

Around ninety-seven per cent of the water on the Earth is salty water and only three per cent is fresh water; slightly over two-thirds of this fresh water is frozen in the form of glaciers and polar ice caps. The remaining unfrozen fresh water is found mainly as ground water.

Ground water is a renewable resource, yet the world's supply of ground water is steadily decreasing with the depletion of water table, most prominently in Asia and North America. It is still not clear that how much natural renewal balance of fresh water is available or whether ecosystem will be threatened for want of fresh water in near future. The frame-work for allocating water resources to water users where such a framework exists is known as water rights.

At present, water is a State subject and is considered as primary responsibility of the State Governments.

The Bill seeks to amend that Seventh Schedule to the Constitution with a view to transfer entry 17 of List II - State List pertaining to 'Water', to List III-Concurrent List so that the Parliament and the Central Government can also play their due role for conservation and sustainable use of water to meet the growing needs of the society.

Hence this Bill.

NEW DELHI;
November 23, 2022.

P.P. CHAUDHARY

BILL NO. 237 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2022.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to Constitution,—

(*i*) in List II - State List, entry 14 shall be omitted; and

(*ii*) in List III - Concurrent List, after entry 17B, the following entry shall be inserted, namely:—

"17C. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.".

STATEMENT OF OBJECTS AND REASONS

Agriculture has got pivotal role in Indian economy. Though the share of agriculture in the national income is declining, it has a substantial share in Gross Domestic Production of the country. Agriculture is the mainstay of livelihood in rural areas. As nearly as 65 percent. to 70 per cent. of our total population is engaged in agriculture related activities. Agriculture sector can be revitalized by concerted efforts to be made by the State Government as well as the Union Govenment. However, the role of the Union Government is negligible in the development of agriculture sector for the reason that agriculture has been listed in the State List and is considered as primary responsibility of the State Governments.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer entry 14 of List II-State List pertaining to 'Agriculture', to List III-Concurrent List so that the Parliament and Central Government can also play their due role for development of agriculture.

Hence this Bill.

NEW DELHI;
November 23, 2022.

P.P. CHAUDHARY

BILL NO. 127 OF 2021

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-second Year of the Republic of lndia as follows:-

Short title and commencement.

1. (*1*)This Act may be called the Constitution (Amendment) Act, 2021.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to the Constitution, in List Ill- Concurrent List, after entry 17B, the following entry shall be inserted, namely:—

"l7C. Environmental protection and matters relating to climate change.".

STATEMENT OF OBJECTS AND REASONS

The Constitution of India recognises the importance of environmental protection as a Directive Principle of State Policy under article 48A and also under the Twelfth Schedule. The Constitution is cognizant of environmental challenges being faced by the world and has entries in the Seventh Schedule which deal with certain aspects of environmental protection such as forests and protection of animals and birds. However, there is an increase in urgency of environmental protection in light of the challenges posed by climate change. There is no specific entry expressly for environmental protection and climate change in the Seventh Schedule. As a result, in the past, legislative competence for enacting some of the major environmental laws had to be derived from extraordinary provision of article 252 of the Constitution. Thus, there is a need for, specific entry relating, to environmental protection aria climate change. This is also in line with the recommendations of the Tiwari Committee set up by the Central Government which gave its report in 1980.

The Bill, therefore, seeks to amend the Seventh Schedule to the Constitution with a view to add an entry "Environmental protection and matters relating to climate change" in List-III (Concurrent List) so that Central Government could play its due role in the field of environment and climate change.

Hence this Bill.

NEW DELHI;
March 9, 2021.

JAGDAMBIKA PAL

BILL NO. 119 OF 2022

A Bill further to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be cited as the Motor Vehicles (Amendment), 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In section 2 of the Motor Vehicle Act, 1988 (hereinafter referred to as the principal Act),— 59 of 1988.

(*a*) clause (1B) shall be remembered clause as (IC) and before the clause (IC) as so remembered, the following clause shall be inserted, namely:—

"(1B) "aggressive driving behaviour" means unsafe driving performed deliberately with ill intent or disregard for safety including the following driving behaviours:

(*i*) tailgating;

(*ii*) speeding;

(*iii*) erratic lane changes;

(*iv*) honking;

(*v*) cutting off other drivers;

(*vi*) failing to signal;

(*vii*) running on red lights;

(*viii*) racing;

(*ix*) failure to obey traffic lights;

(*x*) shouting, yelling, or taking frustrations out on other drivers;

(*xi*) bumping other vehicle on purpose;

(*xii*) getting out of the vehicle or confronting other drivers; and

(*xiii*) careless, negligent driving, not follow traffic laws, endangering other drivers, pedestrians and properties;"; and

(*b*) after clause (37), the following clause shall be inserted, namely:-

"(37A) "road rage" means aggressive driving behaviour stemming from a driver's uncontrolled anger at the actions of another motorist including hitting vehicle running vehicles off the road pulling over, getting out and engaging in a physical confrontation; inciting passenger(s) to fight the other driver; using any weapon to inflict harm on another driver or vehicle and making a rude hand gesture behind the wheel.

3. After Chapter VIII of the principal Act, the following Chapter and sections thereunder shall be inserted namely:— Insertion of new Chapter VIIIA.

CHAPTER VIII A

ROAD RAGE

138A. Whoever, intentionally hits his vehicle with which of any other person or runs behind someone off the road or pulls over, gets out and engages in a physical confrontation or incites his passenger(s) to fight the other driver or uses any sort of weapon to inflict harm on another driver or vehicle, or makes a rude hand gesture behind the wheel, would be said to commit an offence of act of road rage. Offence of Road Rage.

138B. Whoever commits the offence of road rage shall be punished with rigorous imprisonment for a term of two months, and shall also be liable to a fine which shall not be less than rupees five thousand. Punishment for the offence of road rage.

138C. Whoever commits an offence punishable under sections 182, 183, 184, 185, 186, 190, 192, 192A, 194, 196, 197 and 201 for the first time or drives a motor vehicle in a manner which is dangerous to the public including aggressive driving behaviours, and thereafter involve in the act of road rage, shall be said to have committed an offence of aggravated act of road rage. Aggravated act of Road Rage.

138D. Whoever commits the offence of aggravated act of road rage shall be punished for the first offence with the punishment mentioned under sub-section 182, 183, 184, 185, 186, 190, 192, 192A, 194, 196, 197 and 201 and for subsequent offences with imprisonment for a term of six months, and shall also be liable to a fine which shall not be less than rupees ten thousand. Punishment for the aggravated act of road rage.

138E. Whoever contravenes any provision of this Act or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence be punishable for the first offence with fine which may extend to rupees one thousand and for any second or subsequent offence with fine which may extend to rupees two thousand. General provision for punishment of offences.

138F. Whoever disobeys any direction lawfully given by any person or authority empowered under the Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence shall be punishable with fine which shall not be less than rupees two thousand. Punishment for disobedience of orders, obstruction and refusal of information.

Public awareness about the road rage.

138G. The Central Government and every State Government shall take all measures to ensure that,—

(*1*) the provisions of this Chapter are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public aware of the provisions of this Chapter; and

(*2*) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of this Chapter.

Publication of fact of conviction.

138H. Where any person is convicted of any offence punishable under this Act, it shall be competent for the Court convicting such offender to cause the name and place of residence of such person to be published by the police in the local newspaper where such offence had taken place, together with the fact that such offender had been convicted of the offence under this Act and such other particulars as the Court may deem fit and appropriate, to be allowed to be published. Also, provided that no such publication shall be made until the appeal, if any, filed against such order is finally disposed of.

Provision of Funds by Central Government.

138I. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Chapter.

Amendment of section 202.

4. In section 202 of the principal Act, in sub-section (*1*), for the words and figures "under section 184", the words and figures "under section 138C or section 184" shall be substituted.

Amendment of section 207.

5. In section 207 of the principal Act, in sub-section (*1*), for the words and figures "section 39", the words and figures "section 39 or section 138A or section 138C or section 138E" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

India is ranked second in the world in terms of road links. At the same time, the number of road mishaps, road accidents, and road injury in India is also one of the highest in the world. Aggressive and negligent driving has been a big issue on our streets for some time, and it appears to just be deteriorating and getting worse. With an increasing number of young people getting into the driver's seat, most mishaps and accidents are caused because of an ineffective and reckless driving pattern. Sensation chasing, driving in anger, retaliation, weariness, and stress are some of the components which contribute to perilous driving and people get into circumstances that can be effortlessly and easily avoided. Many lives have been lost as a result of growing intolerance among road users, and this unwelcome hatred that people carry on the road is unquestionably a dreadful flaw that leads to untimely deaths in great numbers. Incidents of shouting, yelling, rude behaviour, and even violence are accounted for often on our roads to where it has procured its name: road rage. The instances of road rage are on the rise and the numbers are increasing every year.

Road rage is aggressive or angry behaviour exhibited by motorists. These behaviours include rude and verbal insults, physical threats or dangerous driving methods targeted at other drivers, pedestrians or cyclists in an effort to intimidate or release frustration. Road rage can lead to alterations, damage to property, assaults and collisions that result in serious physical injuries or even death. Strategies include longhorn honks, swerving, tailgating, brake checking and attempting to fight. These practices incorporate impolite and verbal put-downs, actual dangers, or risky driving techniques designated toward another driver or non-drivers with an end goal to scare, terrify or release irritation and dissatisfaction. Such behaviour patterns can prompt quarrels can cause harm to property and person, whose outcome can result in serious physical and mental injuries or even death or demise. In a simple sense, when a driver enacts or commits some moving traffic offences to jeopardize the life of another person or property or attack with an engine vehicle or other risky weapon by the driver of one engine vehicle on the driver of another engine vehicle can be termed as road rage. Road rage is characterized as the result of forceful and aggressive driving that emerges from conflicts with different drivers. Road rage is a criminal accusation in which the driver is at the fault. Road rage is an extraordinary sight and it normally brings about a great deal of enmity and sometimes results in mishaps and wounds.

Acts of Road rage has increased in general. It is time that we should come up and together find the solution for this uncontrolled behaviour. As road rage is not defined under Motor Vehicles Act, there are no explicit provisions making road range a punishable offence. In conclusion, India needs this legislation to criminalise the act of road rage.

The Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to include 'road rage' as an offence punishable under the parent Act.

Hence this Bill.

NEW DELHI;
19 *February*, 2022.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 138G provides for the Central Government and State Government to give wide publicity to the provision regarding road rage. It also *vide* proposed section 138I provides for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore would be involved as a recurring expenditure per annum.

No non-recurring expenditure is likely to be incurred.

BILL NO. 4 OF 2023

A Bill further to amend the Right to Information Act, 2005.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Right to Information (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

22 of 2005.

Amendment of section 2.

2. In section 2 of the Right to Information Act, 2005 (hereinafter referred to as the principal Act), in clause (*f*), for the words "papers", the words "papers, photos" shall be substituted.

Amendment of section 6.

3. In section 6 of the principal Act, for sub-section (2) , the following sub-section shall be substituted, namely:—

"(*2*) An applicant making request for obtaining information shall give reason for requesting the information including those details that may be necessary for contacting him.".

Amendment of section 7.

4. In section 7 of the principal Act, in sub-section (*2*), the following proviso shall be inserted, namely:

"Provided that if the Central Public Information Officers or State Public Information Officers, as the case may be, provide the information after the period of thirty days of the receipt of the request, the Central Public Information Officers or State Public Information Officers, as the case may be, shall furnish the reasons in writing for such delay.".

STATEMENT OF OBJECTS AND REASONS

The Right to Information Act, 2005 was enacted to provide transparency in the functioning of public authority. One of the major objective of the act was also ensuring accountability of the people working in those public institutions. The act seeks to provide access to information, contain corruption and strengthen ethos of democracy. To achieve all these objectives, a regular upgradation of the rules and regulations become necessary. There has been instances where information seekers have harassed people and enjoyed advantage through undue influence. Hon'ble Justice S.H. Kapadia, Former Chief Justice of India has also pointed once that "The Right to Information Act is a good law, but it is being abused". Hence, it becomes important to ensure that whether the applicants who are seeking information are using for rightful purpose or not.

The Principal Act provides for the time period to give information. But it does not have any provision in case of non-compliance by the public information commission. As per the data, a total of 3.14 lakh complaints or appeals are pending with 26 information commission across India in October 2022. This can be solved by compelling the information commission to dispose those complaints. To make commission more accountable, it is important to put some burden on them. Thus, to fill this gap in the principal act, the present amendment is being proposed.

With the advancement of new technology, photos have become one of the major sources of information. A lot of information can be gathered through photo itself. Therefore, it becomes important to include photos in the meaning of "information". To fulfil all these objectives, it has become important to bring amendment in the Right to Information Act, 2005.

Hence this Bill.

NEW DELHI;
November 22, 2022.

JAGDAMBIKA PAL

BILL NO. 39 OF 2023

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Criminal Laws (*A*mendment) Act, 2023. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

45 of 1860.

2. In Chapter II of the Indian Penal Code, 1860 (hereinafter in this Chapter referred to as the Penal Code), after section 52A, the following section shall be inserted, namely:— Insertion of new section 52B.

"52 B. The words "Social boycott" refer to any action or gesture, oral or written, by a member of a community or a caste panchayat, such as those mentioned, but not restricted to, in the descriptions hereinafter following, namely: Social boycott.

First.—The prevention or obstruction, or attempt to prevent or obstruct any person from partaking or observing any social, religious or traditional custom or usage or ceremony or from taking part in any social, religious or community functions, procession, assembly or meeting;

Second.—The refusal or denial or attempt to refuse or deny any person the right to perform marriage, funeral or any other religious or customary rites and ceremonies as the persons of his community ordinarily perform;

Third.—The act or attempt to commit or cause social ostracism on any grounds;

Fourth.—The refusal or purposeful exclusion of any person from engagingin the society by hampering social or commercial ties of such person with his community, thereby affecting his right to life and personal liberty;

Fifth.—The prevention or obstruction, or attempt to prevent or obstruct any person from accessing any place ordinarily used or intended to be used for any religious, charitable or public purpose that is either established or maintained wholly or partly by the person's own community, for and on behalf of the community using the funds contributed by such community and is normally available for use to or by any other person of his community;

Sixth.—The prevention or obstruction, or attempt to prevent or obstruct any person from accessing any school, educational institution, medical institution, cemetery, burial ground or any other place used by, or intended to be used by, or for the benefit of his community;

Seventh.—The prevention or obstruction, or attempt to prevent or obstruct any person from enjoying any benefit under a charitable trust or waqf created for the benefit of his community;

Eighth.—The act of inciting or provoking or encouraging any person, directly or indirectly to sever social, religious, professional or business relations with other persons of his community;

Ninth.—The prevention or obstruction, or attempt to prevent or obstruct any person of belonging to his community from enjoying human rights;

Tenth.—The discrimination or act of discriminating against a person by his community on the basis of morality, political inclination, sexuality, gender expression or any other basis;

Eleventh.—The expulsion, directly or indirectly, of any person from his community;

Twelfth.—Any other similar acts."

Insertion of new sections 298A and B.

3. After section 298 of the Penal Code, the following Chapter, shall be inserted, namely:—

CHAPTER XVA

OFFENCES RELATING TO SOCIAL BOYCOTT

Imposing social boycott on a person or group of persons.

298A. Whoever imposes, or causes to impose any kind of social boycott on a person, shall, on conviction, be punished with imprisonment for not less than three years, but which may extend to seven years, or with fine which may extend to five lakhs rupees, or with both.

Deliberating on the issue of imposing social boycott.

298B. Whoever gatheres, congregates, assembles, or participates in a meeting of a caste panchayat, at any time and at any place, with the view or intent to deliberate on the issue of imposing social boycott on any person, shall, on conviction be punished with imprisonment for not less than three years, but which may extend to seven years or with fine which may extend to five lakhs rupees, or with both.

CHAPTER III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

Amendment of First Schedule.

4. In the First Schedule to the Code of Criminal Procedure, 1973, under the heading "1. OFFENCES UNDER THE INDIAN PENAL CODE", after entries related to section 298, the 2 of 1974.

following entries shall be inserted, namely:—

1	2	3	4	5	6
		CHAPTER XVA.— OFFENCES RELATING TO SOCIAL BOYCOTT			
"298A	Imposing social boycott on a person or group of persons.	Imprisonment for not less than three years, but which may extend to seven years, or with fine which may extend to five lakhs rupees, or with both.	Cognizable	Bailable	Magistrate of the first class
298B	Deliberating on the issue of imposing social boycott.	Imprisonment for not less than three years, but which may extend to seven years, or with fine which may extend to five lakhs rupees, or with both.	Ditto	Ditto	Ditto

STATEMENT OF OBJECTS AND REASONS

Article 21 of the Constitution guarantees the life and personal liberty to all persons. It also guarantees the right to such persons to live a dignified life. The bare text of the article reads as, "No person shall be deprived of his life or personal liberty except according to a procedure established by law". Despite a constitutional obligation on the state to protect the fundamental rights of its citizens, India witnesses a parallel system; one that imposes harsh socio-economic extra judicial punishments on persons and communities that in their orthodox and conservative views, transgress certain social mores or diktats.

Social boycotts imposed by "caste panchayats" result in deprivation of basic human rights and ostracisation of those who are boycotted. This is done through planned and systematic social exclusion from not just religious ceremonies and gatherings, but also by placing restrictions on physical and social mobility, imposition of physical and social segregation and isolation, denial of employment, and even goes to the extent of halting sale of necessities of life, such as food and water. In a free and fair society, there must be no space or opportunity given for such extrajudicial actions that hamper an individual, or a community's right to life and personal liberty. The existence of social boycotts to this very day, has led to psychological, physiological and economic impact and trauma on marginalised communities. It is necessary to criminalize such actions that go against the spirit of our Constitution.

Hence this Bill.

NEW DELHI;
January 16, 2023.

NISHIKANT DUBEY

BILL NO. 26 OF 2023

A Bill further to amend the Epidemic Diseases Act, 1897.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Epidemic Diseases (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1A.

3 of 1897.

2. In section 1A of the Epidemic Diseases Act, 1897 (hereinafter referred to as the principal Act):—

(*i*) after sub-section (*a*), the following sub-section shall be inserted, namely:—

(*aa*) "epidemic" means the occurrence in a community or region of cases of a dangerous illness, specific health-related behaviour, or human disease that is caused by an infectious agent or, any genetically engineered organism or a biological toxin that poses a risk of significant harm to public health, immediate

or gradual spread to regions beyond the affected community-national or international, or other health-related events clearly in excess of normal expectancy.

(*ii*) after sub-section (*b*) the following sub-section shall be inserted namely:—

(*bb*) "patient" means any person who contracts any dangerous epidemic disease as determined by scientific testing or a medical diagnosis.

Insertion of new sections 2C, 2D, 2E, 2F and 2G.

3. After section 2B of the principal Act, the following shall be inserted, namely:—

Supply of essential drugs and therapeutics.

"2C. The Central Government shall ensure supply of essential drugs and therapeutics to citizens during the epidemic through public health facilities as well as through outreach measures, whenever required, with priority to lower-income sections and those covered by Government healthcare schemes for free care.

Responsibilities of the Government while taking measures during the epidemic.

2D. The Central Government and the State Governments shall, ensure that—

(*i*) during the epidemic, measures taken to limit the rights of an individual are such as are strictly necessary to resolve the crisis, and are time-bound, proportionate, and non-discriminatory; and

(*ii*) guidelines for surveillance to address the pressing social need are adopted in accordance with the law and are proportionate and the limitations on the right to privacy are least intensive to achieve the desired result.

Rights of citizens during the epidemic.

"2E. Every, citizen, during the epidemic, shall have the following rights, but not limited to—

(*i*) right to equal treatment regardless of race, color, sex, language, religion, birth or other status;

(*ii*) right to free flow of information with only reasonable restrictions on freedom of expression;

(*iii*) right to receive an independent medical assessment from a medical practitioner of his choice;

(*iv*) right to emergency medical care in any Government or private hospital without compromise on quality or safety and without having to pay full or an advance fee to the hospital;

(*v*) right to have a written and transparent account of the costs incurred for the treatment;

(*vi*) right to be compensated for loss, if any, caused by any isolation and medical treatment; and

(*vii*) right to know information on the situation of the outbreak of the disease, the prevention and control thereof and measures to cope therewith.

Responsibility of citizens.

2F. Each citizen shall actively cooperate with the agencies of the Central and the State Governments that perform activities for the prevention and control of the epidemic, such as treatment and isolation measures.

Health facilities to prison inmates during the epidemic.

2G. (*1*) The Central and the State Government shall provide health services to prison inmates during the epidemic at the same standard as are provided to communities outside of prison.

(*2*) In prisons, medical personnel shall, in emergency situations, make an independent assessment of each patient's condition and shall refer suitable cases to specialized treatment in or outside the prison facility."

STATEMENT OF OBJECTS AND REASONS

The advent of the Corona virus exposed lacunas in existing legislation to effectively tackle public health emergencies in India. Currently, it does not have a single consolidated law to deal with public health emergencies. Two major laws, the epidemic Diseases Act, 1897 and the Disaster Management Act, 2005 were invoked to deal with COVID-19 preparedness and response. However, the centurial old Epidemic Diseases Act, 1897 lacks comprehensive guidelines for governance and responsible authorities, accountability, and a rights-based approach. Further, the Disaster Management Act is more suited to deal with disasters rather than epidemics.

Even the recent amendment in the Epidemic Diseases Act , 1897 in 2020 only listed punitive actions for offences against the healthcare service personnel, but included no rights of the individuals. The definition clause in the Act defines various offences but excludes the most essential terms of "epidemic" and "patient". The Act in the current form lays down no mechanism for the dissemination of drugs, availability of medical facilities or quarantine period. While providing itself powers to take special measures and prescribe regulations during an epidemic, the State establishes no responsibilities to undertake for itself.

During the Corona virus pandemic, the country witnessed a surge in deaths owing to the lack of emergency medical healthcare. It intensified the pressure across a wide range of fundamental rights, a key pillar of the rule of law. The Supreme Court of India in the case of Bandhua Mukti Morcha vs. Union of India & Ors. (1984) interpreted the right to health under Article 21 of the Constitution of India which guarantees the right to life.

The significance of clear and consistent public health emergency law cannot be denied. However, the current legal ecosystem falls short in ensuring a modern legal framework to ensure stability in an epidemic.

Hence this Bill.

NEW DELHI;
January 16, 2023.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill *inter alia* provides that the Central Government shall ensure supply of essential drugs and therapeutics to citizens during the epidemic. It also provides that the Central Government shall ensure for every citizen, emergency medical care in any Government or private hospital without having to pay full or an advanced fee to the hospital and citizen who is isolated and medically treated due to an infectious disease shall be compensated for any damage caused by such isolation and medical treatment.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible to access the actual financial expenditure likely to be incurred at this stage.

BILL NO. 27 OF 2023

A Bill further to amend the Central Educational Institutions (*Reservation in Admission*) *Act, 2006.*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

5 of 2007.

2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act),—

(*i*) after clause (*e*), the following clause shall be inserted, namely:—

"(*ca*) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government."

(*ii*) after clause (*e*), the following clause shall be inserted, namely:—

"(*ea*) "government school" means any recognised school managed by the appropriate Government, imparting elementary or higher secondary education or both and includes—

(*i*) a school established, owned or controlled by the appropriate Government or a local authority;

(*ii*) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority; and

(*iii*) corporation schools, municipal schools, tribal welfare schools, forest department schools and other schools managed by the Government departments."

Amendment of section 3.

3. In section 3 of the principal Act, after sub-clause (*iii*), the following sub-clause shall be inserted, namely:—

"(*iv*) out of the annual permitted strength in each branch of study or faculty, ten per cent. seats shall be reserved horizontally for the students of Government schools in so far as by doing so the total reservation does not exceed fifty per cent. in any case:

Provided that where reservation exceeds fifty per cent. by the reservation of ten per cent. seats for students of Government schools, reservation of seats shall be provided up to the maximum extent possible without breaching the ceiling of total reservation of fifty per cent."

STATEMENT OF OBJECTS AND REASONS

India is the world's 2nd largest populated country and hosts pluralism in culture, religion, ethnicity, language and multilayered caste system which often imposes challenges on the Indian Government to structure and manage a harmonious society. The challenges include creating equal employment opportunities, providing and allocating equal distribution of resources and funds of the Government and making education available to all citizens of India without discrimination on the grounds of their religion, caste, race, sex, socio-economic background etc. In order to overcome such challenges, the Government uses reservation as a tool for the smooth administration of the country.

The term reservation can be described as 'certain policy measures or the techniques adopted by the Indian Governance in order to empower, promote and uplift those social segments or members of community which have remained backward, or discriminated, or historically oppressed, by reserving their access to seats or quota for admission into educational institutes, in Governmental jobs, and legislatures.

Students from Government schools and those studying in private schools hail from different socio-economic backgrounds. Considering these disparities, it would be unfair to weigh them on an equal footing. Students from Government schools must get access to quality education and a chance to fulfil their dreams. Those who are brilliant must not be stopped because of social or economic boundaries. Professional courses are the stepping stone towards a bright future of young talents in the country. Providing reservation to students from Government schools in Central Educational Institutions would be a step in the right direction considering the principles of equality under article 14 and non-discrimination under article 15 as enshrined under the Constitution of India. If implemented across the country, this reservation policy may also help in increasing the enrolments in Government schools.

Affirmative action by the Government is the need of the hour to place students from all walks of life at an equal footing to secure their future and thereby ensure that students from weaker socio-economic backgrounds do not suffer in the long run. Suitable amendment is, therefore, required in the Central Educational Institutions (Reservation in Admission) Act, 2006.

Hence this Bill.

NEW DELHI;
January 16, 2023.

NISHIKANT DUBEY

BILL NO. 289 OF 2022

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Civil Procedure (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 23.

2. In section 23 of the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), sub-section (*3*) shall be omitted. 5 of 1908.

Amendment of section 35A.

3. In section 35A of the principal Act,—

(*1*) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Additional and exemplary costs in respect of false or vexatious claims or defences".

(*2*) in sub-section (*1*), for the words "of cost by way of compensation", the words "of additional and exemplary costs" shall be substituted.

(*3*) after sub-section (*1*), following provisos shall be inserted, namely:—

"Provided that the court shall, while determining the additional and exemplary cost, take into consideration the party's adverse socio-economic condition and the hardship that may be caused by imposing such costs:

Provided further that out of the costs so awarded, part of the costs shall be ordered to be paid to the party against whom the claim or defence of false or vexatious nature has been set up and part of it shall be ordered to be deposited in the Judicial Infrastructure Fund set up under section 149A."

Amendment of section 89.

4. For section 89 of the principal Act, the following section shall be substituted, namely:—

Settlement of disputes outside the court.

"89.(*1*) Where it appears to the court, having regard to the nature of the dispute involved in the suit or other proceeding that the dispute is fit to be settled by one of the non-adjudicatory alternative dispute resolution processes, namely, conciliation, judicial settlement, settlement through Lok Adalat or mediation the court shall, preferably before framing the issues, record its opinion and direct the parties to attempt the resolution of dispute through one of the said processes which the parties prefer or the court determines:

Provided that where the parties prefer conciliation, they shall furnish to the court the name or names of the conciliators and on obtaining his or their consent, the court may specify a time limit for the completion of conciliation and thereupon, the provisions of sections 65 to 81 of the Arbitration and Conciliation Act, 1996, as far as may be, shall apply *mutatis mutandis* and to this effect, the court shall inform the parties and a copy of the settlement agreement reached between the parties shall be sent to the court concerned:

26 of 1996.

Provided further that in the absence of the settlement, the conciliator shall send a brief report on the process of conciliation and the outcome thereof to the court.

(*3*) Where the dispute has been referred:—

(*a*) for judicial settlement, the court shall endeavour to effect a compromise between the parties and shall follow such procedure as may be prescribed;

(*b*) to Lok Adalat, the provisions of sub-section (*3*) to (7) of section 20, sections 21 and 22 of the Legal Services Authorities Act, 1987 shall apply in respect of the dispute so referred and the Lok Adalat shall send a copy of the award to the court concerned and in case no award is passed, send a brief report on the proceedings held and the outcome thereof;

(*c*) for mediation, the Court shall refer the dispute to a suitable institution or person or persons with appropriate directions such as time-limit for completion of mediation and reporting to the Court.

(*4*) The court shall on receipt of copy of the settlement agreement or the award of Lok Adalat, if it finds any inadvertent mistakes or obvious errors, it shall draw the attention of the conciliator or the Lok Adalat who shall take necessary steps to rectify the agreement or award suitably with the consent of parties.

26 of 1996.

(*5*) Without prejudice to section 8 of the Arbitration and Conciliation Act, 1996 and other provisions, the court may also refer the parties to arbitration if both parties enter into an arbitration agreement or file applications seeking reference to arbitration during the pendency of a suit or other civil proceeding and in such an event, the arbitration shall be governed, as far as may be, by the provisions of the Arbitration and Conciliation Act, 1996 and the suit or other proceeding shall be deemed to have been disposed off accordingly.".

26 of 1996.

Amendment of section 95.

5. In section 95 of the principal act, in sub-section (*1*), for the word "not exceeding fifty thousand rupees", the word "not exceeding one lakh rupees" shall be substituted.

Amendment of section 149.

6. After section 149 of the principal Act, the following section shall be inserted, namely:—

"149A. The High Court shall set up and administer Judicial Infrastructure Fund for the purposes of development of infrastructure in subordinate courts under its jurisdiction."

Amendment of Order VII.

7. In Order VII of the principle Act, in rule 14, sub-rule (*4*), for the word "plaintiff's witness" the word "defendant's witness" shall be substituted.

Amendment of Order VIII.

8. In Order VIII of the principle Act, in rule 1A, in sub-rule (*4*), in clause (*a*), for the word "plaintiff's witness" the word "defendant's witness" shall be substituted.

Amendment of Order X.

9. In Order X of the principal Act,—

(*a*) for rule 1A, the following rule shall be substituted, namely:—

Direction of the court to opt for any one mode of alternative dispute resolution.

"(*1A*). At the stage of framing issues or the first hearing of the suit, the Court shall direct the parties to opt either mode of the settlement outside the court as specified in sub-section (*1*) of section 89 and for this purpose may require the parties to be personally present and in case of non-attendance without substantial cause, follow the procedure for compelling the attendance of witness. The court shall fix the date of appearance before such forum or authority or persons as may be opted by the parties or chosen by the court.";

(*2*) rule 1B shall be omitted; and

(*3*) for rule 1C, the following rule shall be substituted, namely:—

Appearance before the court consequent upon the failure of efforts of conciliation.

"(*1C*). Where a suit is referred under rule 1A and the presiding officer of conciliation forum or authority or the person to whom the matter has been referred is satisfied that it would not be proper in the interest of justice to proceed with the matter further, in view of the stand taken by the respective.".

Amendment of Order XVII.

10. In Order XVII of the principal Act, in rule 1, the proviso shall be omitted.

Amendment of Order XX.

11. In Order XX of the principal Act, in rule 6A, for the words, "fifteen days" the words, "thirty days" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court in the case of Durgesh Shamra *vs.* Jayshree held that if two courts are subordinate to different High Courts, one High Court has no power, jurisdiction or authority to transfer a case pending in any court subordinate to that High Court to a Court subordinate to another High Court. It is only the Supreme Court (this Court) which may order the transfer. Thus, makes section 23(*3*) of the Code of Civil Procedure, 1908.

Section 89 of the Code which provides for settlement of disputes outside the court is inappropriately worded, as pointed out by the Supreme Court in the case of Afcons Infrastructure Ltd. *vs.* Cherian Varkey Construction Co. (P) LTD. The language adopted has created difficulty in giving effect to the provision. Section 89 should be recast as indicated above. Secondly, the allied provisions, namely, Order X, rules 1A to 1C had been recast in accordance with the provision of section 89. With an aim to make the conciliation scheme effective, it is proposed to make it obligatory for the court to refer the dispute after the issues are framed for settlement either by way of arbitration, conciliation, mediation, judicial settlement or through Lok Adalat. However, the procedure of section 89 is defeating the purpose of its enactment. Thus, firstly, the Supreme Court in the Afcon Infrastructure case and 19th Law Commission in its report no. 238 titled as "Amendment of Section 89 of the Code of Civil Procedure, 1908 and Allied Provisions" recommended certain changes which has been incorporated in this act.

In addition to it, various Judgments of the Supreme Court and High Courts had time and again emphasized that the lack of appropriate provisions relating to costs has resulted in a steady increase in malicious, vexatious, false, frivolous and speculative suits. Any attempt to reduce the pendency or encourage alternative dispute resolution processes or to streamline the civil justice system will fail in the absence of appropriate provisions relating to costs. The Supreme Court in the case of Sanjeev Kumar Jain *vs.* Raghubir Saran Charitable Trust addressed the issues relating to costs. Thus, in order to deal with the matter in depth the Law Commission in its report no. 240 titled as "costs in civil litigation" addressed this issue keeping in view the triple goals of (*i*) ensuring realistic and reasonable costs to the successful party, (*ii*) curbing false and frivolous litigation, and (*iii*) discouraging unnecessary adjournments.

Hence this Bill.

NEW DELHI;
23 *November*, 2022

SHRIKANT EKNATH SHINDE

BILL NO. 263 OF 2022

A Bill to amend the Mental Healthcare Act, 2017.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Mental Healthcare (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 17.

2. In section 17 of the Mental Healthcare Act, 2017 (hereinafter referred to as the principal Act), in clause (*a*), for the words "best interests", the words "will and preference" shall be substituted. 10 of 2017.

Amendment of section 21.

3. In section 21 of the principal Act, in sub-section (*4*), the following explanation shall be inserted, namely:—

"*Explanation*.—For the purposes of this sub-section (*4*), "medical insurance" includes the indemnification of the insurer or the hospital in the cases requiring but not limited to:—

(*i*) hospitalization;

(*ii*) psychotherapy;

(*iii*) medication;

(*iv*) cognitive behavioral therapy;

(*v*) counseling; or

(*vi*) any other form of treatment deemed fit for the patient by a medical practitioner or a clinical psychologist.".

Amendment of section 65.

4. In section 65 of the principal Act, for the first proviso of sub-section (*3*), the following proviso shall be substituted, namely:—

"Provided that till the period the Authority specifies the minimum standards for different categories of mental health establishments, after due inspection of such mental health establishments by authorities, it shall issue a provisional certificate of registration to the mental health establishment.".

STATEMENT OF OBJECTS AND REASONS

The Mental Healthcare Act, 2017 has been lauded as the legislation of the people but there are several lacunas in the Act which neglect the agency of the mentally ill person under the Act and overlooks the responsibility of the State to provide for a safe space for the treatment of the patient. From addiction to dementia to schizophrenia, almost 1 billion people worldwide suffer from a mental disorder. Lost productivity as a result of two of the most common mental disorders, anxiety and depression, costs the global economy US$1 trillion each year. Poor mental health amongst employees costs Indian companies a combined $14 billion a year due to absenteeism, attrition and other reasons. India unfortunately lags behind in mental health when compared to other countries. To give an example, the rest of the world spends about 5 to 18 per cent. of their GDP on mental health whereas India spends only 0.05 per cent. Whereas the problem is huge, according to the latest WHO statistics, there are an estimated forty-five million Indians who suffer from depression and another 45 million who suffer from anxiety.

Section 17(*a*) of the principal Act casts a duty on the nominated representative to consider the "best interests" of the mentally ill person, while discharging their duty under the act. However, the use of the term 'best interests", makes the Act a reluctant acceptance to India's obligation to Convention on the Rights of Persons with Disabilities which asserts that the will of the person with disability shall not be undermined, therefore the amendment.

The COVID-19 pandemic laid bare the huge gaps in the healthcare system, especially in access to affordable mental healthcare. According to a scientific brief released by the World Health Organization in March, 2022, the global prevalence of mental illness like depression and anxiety increased by 25 per cent. since the pandemic. Access to affordable mental healthcare, especially after the pandemic has become a basic need for all individuals. The Act instructs insurers to make provisions for medical insurance for treatment of mental illness. In the year 2018, the Insurance Regulatory and Development Authority (hereinafter IRDAI) of India had also directed the India Insurance companies to cover mental disorders as per the Act.

However, a Public Interest Litigation filed in the Supreme Court revealed that the insurance companies are in violation of Sec. 21(4) of the Act. Following which the IRDAI had instructed the insurance companies to introduce policies for mental illness by October 2020. Following the IRDAI directive, insurance companies began to offer insurance for mental illness but only in case of hospitalization.

Treatment of mental illness is not limited to medication or hospitalization. It also includes rehabilitation, counseling and psychotherapy. Some mental illnesses like depression, anxiety, Bipolar Disorder and other behavioral disorders which are chronic in nature may not necessitate hospitalization but require other aids for treatment like psychotherapy and medication. Such treatment can be very hard on the pockets thereby causing economic burden on the family of the patient. An amendment to the Act, extending insurance benefits for mental illness which do not necessarily require hospitalization with a goal to reduce financial burden on the families of people suffering from mental illness is necessary, therefore the amendment is proposed.

Section 65 of the Act provides for registration of the Mental Healthcare Establishments, but the first proviso to Section 65(3) of the Act allows for issuance a provisional certificate of registration to the mental health establishment without any inspection of the same. Since mental healthcare establishments are a place of primary care for the mentally ill patients, it can be detrimental to the safety of the patients to allow for even temporary registration of the establishment without due diligence from the end of the State. Therefore it is imperative that even the provisional certificate be issued only after due inspection of the establishment, therefore the amendment.

Hence this bill.

NEW DELHI;
22 *November*, 2022.

SHRIKANT EKNATH SHINDE

BILL NO. 233 OF 2022

A Bill further to amend the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (Amendment) Act 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of clause 31.

2. In section 31 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, after clause (*j*), the following clauses shall be inserted, namely:—

"(*k*) principal debtors who was unemployed for the last three months;

(*l*) families that have lost their primary bread earner due to COVID or other disease;

(*m*) debtors who have an amount due of less than thirty per cent of the principal amount and interest thereon.".

STATEMENT OF OBJECTS AND REASONS

The repeated instances of provision of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, which has been excessively used to attach properties of defaulter, often through unfair procedures leading to helpless debtors or even their children committing suicide due to harassment and humiliation ingrained in the execution of archaic practices. The harsh provisions warrants legislative intervention by amending provisions that are rendering the act inhuman.

The need for factoring unemployment due to matter beyond ones control such as Covid and recession - led termination of employment causing defaulting of repayment of loan from a humane perspective is required so that the right to live and right to dignity and other provisions enshrining the rights of citizens are upheld and are not seen from the prism of shylockian perspective.

Hence this Bill.

NEW DELHI;
November 22, 2022.

KODIKUNNIL SURESH

BILL NO. 20 OF 2023

A Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Andhra Pradesh Reorganisation (Amendment) Act, 2023.

(*2*) It shall come into force with immediate effect.

Insertion of new Part XA.

6 of 2014.

2. In the Andhra Pradesh Reorganisation Act, 2014, after Part X, the following new Part and sections thereunder shall be inserted, namely:—

"PART XA

SPECIAL CATEGORY STATUS TO THE SUCCESSOR STATE OF ANDHRA PRADESH

Special Category Status to the State of Andhra Pradesh.

94A. (*1*) Notwithstanding anything contained in any other law for the time being in force, the successor State of Andhra Pradesh shall be deemed to have been conferred the status of special category State for a period of ten years from the date of commencement of this Act.

(*2*) The successor State of Andhra Pradesh shall by virtue of being conferred a special category State under sub-section(1), be provided the following incentives and benefits:—

(*i*) ninety per cent. of the State expenditure on all centrally-sponsored schemes and external aid to be borne by the Central Government and the remaining ten per cent. to be given to the successor State of Andhra Pradesh as interest free loan;

(*ii*) preferential treatment in the distribution of funds by the Central Government;

(*iii*) benefits of debt-swapping and debt-relief schemes;

(*iv*) concession in the customs duty, corporate tax, income tax, Central Goods and Services Tax (CGST) and Integrated Goods and Services Tax (IGST) to attract industries and investment in the State; and

(*v*) provision that the unutilised money of the State in any financial year shall not lapse and be carried forward to the next financial year.".

STATEMENT OF OBJECTS AND REASONS

The bifurcation of the erstwhile State of Andhra Pradesh resulted in an uneven distribution of metropolitan cities and resource rich regions. Hyderabad being forfeited from the residuary State of Andhra Pradesh put the State in a disadvantaged position in terms of distribution of assets and liabilities of common institutions which are mostly located in the city. There are 107 institutions listed under Schedule X of the Andhra Pradesh Reorganisation Act, 2014, of which 97 are located in Telangana proving the impediment in progress of the Andhra Pradesh.

Secondly, repeated assurances have been given on the part of the Central Government that a special development package for the residuary state of Andhra Pradesh would be provided with adequate incentives, particularly for Rayalaseema and north coastal regions. The region has been identified for grant of special development package, similar to Bundelkhand region and KBK districts of Odisha. Statistics have indicated the plight of these regions and an incessant delay in conducting the decadal Census is proving to be tough with Andhra Pradesh. The state is losing out on a number of benefits, as population remains an important criteria for grants by the Centre.

While the buffer time of ten years for completion of bifurcation is just two years away from now, there are several benefits pending to be granted for the state. Despite being a welcome move, a development package often results in delay in release funds, lack of finances to clear the pending bills and delays in payments for the ongoing works. The presence of such constraints, resulting from an unjust and inequitable bifurcation of the erstwhile State of Andhra Pradesh, Special Category Status being granted to the state proves to be a viable solution.

Hence this Bill.

NEW DELHI ;
March 4, 2022.

MARGANI BHARAT

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 (1), 117(3) AND 274(1) OF THE CONSTITUTION

[Copy of Letter No. 16017/01/2022-S.R dated 11 January, 2023 from Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Andhra Pradesh Reorganisation (Amendment) Bill, 2022* (Insertion of new Part XA) by Shri Margani Bharat, M.P., recommended the introduction under articles 117(*1*) and 274(*1*) and the consideration under article 117(*3*) of the Constitution of the Bill in Lok Sabha.

[*The Bill being printed in 2023, the year in the title of Bill has been changed from 2022 to 2023.]

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 94A seeks to provide Special Category Status to the successor State of Andhra Pradesh by providing certain concessions, subsidies and other assistance to the successor State of Andhra Pradesh. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India for conferring special status to the successor State of Andhra Pradesh. As the sums of money which will be given to the successor State of Andhra Pradesh as concessions and subsidy by appropriation, by law, made by Parliament, cannot be stated now it is not possible to give the estimate of recurring expenditure which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved out of the Consolidated Fund of India.

BILL NO. 49 OF 2023

A Bill further to amend the Information Technology Act, 2000.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Information Technology (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Amendment of section 2.

21 of 2000.

2. In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act), in sub-section (*1*),—

(*a*) after clause (*l*), the following clause shall be inserted, namely:—

"(*la*) "content" refers to the words, video, audio or any means of communication created by the users of a social media;";

(*b*) existing clause (*za*) shall be renumbered as clause (*zb*) and before the clause (*zb*) so as renumbered, the following clause shall be inserted, namely:—

(*za*) "online account" refers to the space allotted to a website user where the content generated by them are displayed and database stored by the intermediary; and

(*c*) existing clauses (*zg*) and (*zh*) shall be renumbered as (*zh*) and (*zi*) and before the clause (*zh*) so renumbered, the following clause shall be inserted, namely:—

"(*zg*) "social media" means any website that is publicly accessible with or without creating an online account on it and the content generated by the user is displayed publicly on this website including webpages where users can interact with each other in any manner.".

Insertion of new section 66G.

3. After Section 66F of the principal Act, following section shall be inserted, namely:—

Punishment for spreading hateful communal propaganda undermining the fraternity of India through social media, etc.

"66G. Any person who creates content on any social media site in the nature of,—

(*a*) any information that is grossly offensive or has menacing character; or

(*b*) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, known to cause communal distrust and even violence, persistently by making use of such computer resource or a communication device;

(*c*) any social media content for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages; and

(*d*) any social media content for the purpose of spreading hateful content that create resentment against any particular group of people based on caste, religion, sex, place of birth,

shall be punishable with imprisonment for a term which may extend to three years and with fine.".

STATEMENT OF OBJECTS AND REASONS

Social Media has grown to be a dominant actor in the social and political lives of our people in the last decade. From just a pastime of sorts, social media have grown to capture the imagination of the people. Today, it acts as the primary means of socialisation, communication and interaction with the larger society. However, unregulated behaviour in the social media is shown to have large scale impact in the way people perceive and interact with the world. If the online behaviour is not regulated in such a manner to uphold the decency, morality and other values as enshrined in the constitution, it can easily endanger the hard earned liberty in the society. We have seen examples in this decade itself, when social media was used to fan communal passion. This has led to real life violence and even loss of life. The cases of lynching and many instances of communal violence that our nation saw in the last decade could be attributed to hateful propaganda being spread through social media platforms. Moreover, organised entities could be seen to spread stereotypes, creating rift between communities and foment internecine feud between the people of India. To curb all those activities, those who spread the poison of communal hatred through social media should be punished appropriately. Also, the Information Technology Act of our nation curiously doesn't include the definition of "Social Media" or new age technologies that constitute social media. This bill makes an humble attempt to define these entities and also nudge the Government to amend the bill in such a manner that all the challenges of our times are addressed through a revised Information Technology Bill that is in tune with the spirit of our times.

Hence this Bill.

NEW DELHI;
January 16, 2023.

DEAN KURIAKOSE

BILL NO. 29 OF 2023

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Amendment of section 22.

2. In section 22 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act), 42 of 2005.—

(*a*) in sub-section (*1*), the following provisos shall be inserted, namely:—

Provided that the Central Government shall provide the funds to States in advance to meet the estimated cost under sub-section (*1*), to ensure that payment of wages to every unskilled, skilled and semi-skilled worker is made within five days of completion of work:

Provided further that if the Central Government fails to release funds for three months due to any reason, the State Government shall be eligible for a penalty of three per cent of amount outstanding per month:

Provided also that the funds allocated by the Central Government to the scheme shall be calculated keeping in view the prevailing inflation rates, aspirations of the people and projected demand for work.

Insertion of new section 22A.

3. After section 22 of the principal Act, the following section shall be inserted, namely:—

State Government to ensure payment of wages.

"22A. The State Government shall ensure that,—

(*a*) it has sufficient funds for payment of wages to skilled and semi-skilled and cost of unemployment allowances for at least one month based on projected number of workers for ensuing month;

(*b*) the payment of wages to skilled and semi-skilled are made within five days of the completion of the work;

(*c*) if any worker files a complaint regarding non-payment of wages with the Programme Officer, the complaint shall be settled and wages paid, if any, within a period of fifteen days:

Provided that if the Programme Officer fails to settle the complaint, the District Programme Coordinator shall settle the case and wages shall be paid within a period of ten days from the expiry of fifteen days allotted to the Programme Officer.".

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi Rural Employment Guarantee Act, 2005 (MGNREGA) is a seminal legislation that has been designed to improve the situation of rural poor. Not only it acts as a poverty alleviation measure, but it also improves the spending capacity of the rural population. Various studies have shown that it has contributed to a healthy demand pull inflation rate, which has improved the economic health of the country. The transfer of cash in lieu of self-selected work is correlated with improvement in social indicators while boosting the dignity of the rural worker.

There has been many international studies that prove the efficacy of the programme. It has been a corner stone that improved the lives of rural poor as the country navigated many challenges. During those times, for instance during the COVID induced slowdown, the rural poor depended upon the work guaranteed through MGNREGA to sustain themselves. However, there has been no proportionate increase in funds allocated in tune with the demand of work. Also, many States have been complaining about the centre not releasing funds due to them on time. Such a situation has arisen because there if no legal compulsion forced upon the Central Government to do so. If the act is amended to ensure that such provisions are added, it leads to a situation where the issue is depoliticised and the centre will have no option but release the amount due in time so that the ordinary worker is not denied timely payment of his hard labour.

The bill also seeks to address this moral issue of the State reneging on its duty of paying the wages on time to the citizen who take up work under MGNREGA. It is necessary to alleviate rural poverty and also keep up the trust that a prestigious Central Government scheme like MGNREGA enjoys. This has to be legally ensured by the Parliament.

NEW DELHI;
January 16, 2023.

DEAN KURIAKOSE

BILL NO. 42 OF 2023

A Bill further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This act may be called the Wild Life (Protection) Amendment Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1972.

Amendment of section 2.

2. In section 2 of the Wild Life Protection Act, 1972 (hereinafter referred to as the principal Act),—

(*a*) existing clause (*1*) shall be renumbered as clause (1B) and before clause (1B) as so renumbered, the following clause shall be inserted, namely:—

"(*1*) "agriculture" with all its grammatical variations and cognate expressions includes floriculture, horticulture, sericulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, cutting of wood or grass, gathering of fruit, raising of man-made forest or rearing of seedlings or plants;";

(1A) "agricultural produce" includes paddy, wheat, sugarcane, millet, barley, ragi, madwa, cotton, maize, soyabean, rapeseed, mustard, peanut, coconut, sunflower, groundnut, safflower, sesamum, niger seed, gram, tur, urad, moong, masoor (lentil), peas, jute, cashew nut, pepper, turmeric, tobacco, potato, tomato, onion, mango, apple, orange, kinnoo, mousambi and other such foodgrains or commodity as may be prescribed:

(*b*) after clause (*10*), the following clause shall be inserted, namely:—

"(*10A*) "cultivating farm" means a piece of land used for agriculture or livestock rearing; and

(*c*) after clause (25B), the following clause shall be inserted, namely:—

(*25C*) "residential property" means a building or habitation used for dwelling by any person.".

Amendment of section 11.

3. In Section 11of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) The killing or wounding of any wild animal by a person inside his cultivating farm or residential property where the wild animal has entered and has caused damage to agricultural produce or livestock shall not be an offence.".

STATEMENT OF OBJECTS AND REASONS

The Wild Life (Protection) Act, 1972 is a seminal piece of legislation that has helped in the preservation of wild life in India. Over the years, it has led to the protection of many species that are indeed a pride to our nation and are a treasure to entire mankind. Protection extended to majestic animals like the Royal Bengal Tiger and the greater-one horned Rhino has helped in improving their numbers and saving the species from extinction. However, there is also widespread criticism to the act that it has led to excessive bureaucratization and has also taken away the rights of common people. Especially affected are the farmers who inhabit areas bordering forest lands. Here, they brave the inclement weather and constant threat of wild animals to create farm goods that is consumed by the whole nation. Many a times, they are helpless when an animal ravages their land. Especially is the case of wild boar- an animal that preys upon the helpless farmers. Many national and international studies have proven that there is no threat to the wild boar populations in terms of dwindling numbers. In fact, their numbers have increased in the forests due to ready availability of food from the farms and farmers being unable to control them by killing them when they enter farmlands. If the farmer is given the right to kill wild boars and other animals that enter their farm and cause destruction, it will help the control the wild board Attack. It will also be a seminal step in managing the human-wild life conflict.

The resolution of that conflict lies in adopting locally appropriate steps that include killing of animals that cause extensive damage to the farms. Instead of taking a one size fits all approach that mandates that the Central Government declare vermin for any area in the country, more scientific and practical choice is to allow the farmers kill animals that enter their fields and create destruction to farms and human life. Also, the people living near forests need to be liberated from unnecessary legal hassles due to cases registered against them for killing animals in self-defence or to save a human life.

Hence this Bill.

NEW DELHI;
January 16, 2023.

DEAN KURIAKOSE

BILL NO. 1 OF 2023

A Bill to provide for the establishment of a permanent Bench of the Supreme Court of India at Hyderabad in the State of Telangana.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Hyderabad) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment of a permanent Bench of the Supreme Court at Hyderabad.

2. There shall be established a permanent Bench of the Supreme Court of India at Hyderabad and such number of Judges of the Supreme Court of India being not less than five, as the Chief Justice of India may, with the approval of President, from time to time nominate, shall sit at Hyderabad in order to exercise the jurisdiction and powerfor the time being vested in the Supreme Courtof India in respect of cases 5 arising in the States of Andhra Pradesh, Telangana, Tamil Nadu, Karnataka, Kerala, Odisha, Chhattisgarh and the Union territories of Puducherry, Dadra and Nagar Haveli, Lakshadweep and Andaman and Nicobar Islands and in such other territories, as may be notified by the Central Government with the approval of the Chief Justice of India.

STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution envisaged the need for additional Benches of the Supreme Court and, accordingly, inserted article 130 which talks about the Seat of the Supreme Court and the Chief Justice of India has been given the responsibility to take a final call, with the approval of the President, on this. Article 130 reads as—

'The Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint.'.

There are nearly 70,000 cases pending, be it matters relating to regular hearing or admission, in the Supreme Court. The present strength of Supreme Court is 33 which means each Supreme Court Judge has to handle nearly 6,000 cases and if one looks at the overall Judge-Population ratio in the country, it is 19 judges per 10 lakh population. This clearly indicates that there is avalanche of litigations, including in the apex court, and hence there is a need to implement the spirit of article 130 and set up Seats of Supreme Court in various regions of the country.

The 10th Law Commission, in its 95th Report, in 1984, recommended for constitutional division with the Supreme Court by splitting the Supreme Court into two, nearly (*i*) Constitutional Court at Delhi; and (*ii*) Court of Appeal sitting in Northern, Southern, Eastern and Western parts of the country.

The 11th Law Commission in its 125th Report titled, "The Supreme Court-A Fresh Look", submitted in 1988, reiterated the recommendations made by the 10th Law Commission in its 95th Report. The Law Commission felt that it will help to reduce the distance to be travelled by litigants and the cost to be borne by them.

The 18th Law Commission, in its 229th Report submitted in 2009, also recommended for setting up of Constitution Bench—exclusively deal with Constitutional matters - at Delhi and four Cassation Benches be set up in four regions of the country. The Northern Bench at Delhi; the Southern Bench at Hyderabad or Chennai; the Eastern Bench at Kolkata; and the Western Bench at Mumbai.

This clearly indicates that there is a constitutional provision and plethora of recommendations by Law Commission and other bodies and Committees for setting up of Cassation Benches of Supreme Court at different regions of the country.

The objective of the proposed Bill emanates from the recommendations of the Law Commission, Committees and various genuine demands that Supreme Court at Delhi be made as a Constitutional Court rather than remaining largely a Court of Appeal which is the case now. Secondly, if one looks at Supreme Court docket, the number of cases coming to Supreme Court from various High Court varies. For example, nearly 20% of appeal coming from Punjab and Haryana High Court; nearly 11% are coming from Delhi High Court when compared to other High Courts, such as Bombay, Uttar Pradesh or Hyderabad which hear far more cases. It is because of the distance from Hyderabad or Kerala or Tamil Nadu or Karnataka and the costs involved to reach Supreme Court in Delhi, people are giving up idea of knocking the doors of Supreme Court. This clearly tantamount to denial of justice and fundamental right since the apex court is not geographically accessible to all. So, the proposed regional Benches would work as appellate courts and deal with cases emanated from various High Courts in that region.

Hyderabad, being one of the largest cities in the country, is very well connected by road, rail and air to different parts of South India. It has all necessary infrastructure and, being the software hub of the country, it would be all the more justified and prudent to set up a Bench of the Supreme Court at Hyderabad.

Hence this Bill.

NEW DELHI;
July 7, 2021

GADDAM RANJITH REDDY

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(*1*) AND 117(*3*) OF THE CONSTITUTION

[Copies of Letter Nos. K-15017/10/2021-US.I/II dated 14 March, 2022 and K-15017/ 10/ 2021-US.I/II dated 13 December, 2022 from Shri Kiren Rijiju, Minister of Law and Justice to the Secretary General, Lok Sabha].

I. The President, having been informed of the subject matter of the Supreme Court of India (Establishment of a Permanent Bench at Hyderabad) Bill, 2021* by Dr. Gaddam Ranjith Reddy, Member of Parliament, recommends the consideration of the Bill under article 117(*3*) of the Constitution in Lok Sabha.

II. The President having been informed of the subject matter of the Supreme Court of India (Establishment of a Permanent Bench at Hyderabad) Bill, 2021* by Dr. Gaddam Ranjith Reddy, Member of Parliament, recommends the introduction of the Bill under article 117(*1*) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a permanent Bench of the Supreme Court at Hyderabad in the State of Telangana. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupess two crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

BILL NO. 253 OF 2022

A Bill further to amend the Micro, Small and Medium Enterprises Development Act, 2006.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Micro, Small and Medium Enterprises Development (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by otification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Micro, Small and Medium Enterprises Development Act, 2006, (hereinafter referred to as the principal Act). 27 of 2006.

(*i*) after clause (l), the following clause shall be inserted namely:—

"(la) 'self-help group' means a small informal group owned, controlled or managed by women consisting of ten or more individuals, who are homogenous with respect to social and economic background and come together voluntarily for promoting savings habits among members and for a common cause to raise and manage resources for the benefit of group members.

Explanation.—For the purpose of this clause, the term "controlled" includes the right to appoint majority of the directors or to control the management or policy decisions exercisable by a person or persons acting individually or in concert, directly or indirectly, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements or in any other manner."; and

(*ii*) after clause (p), the following clause shall be inserted namely:

"(q) "women led enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) or engaged in providing or rendering of any service or services, which is owned, managed or controlled by a woman or a group of women.

Explanation.—or the purpose of this clause,

(*a*), "controlled" include the right to appoint majority of the directors or to control the management or policy decisions exercisable by a person or persons acting individually or in concert, directly or indirectly, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements or in any other manner; and

(*b*) "managed" includes the decision making power, ownership and capacity to hold profit, as the case may be.".

Amendment of section 7.

3. In section 7 of the principal Act, in sub-section (*1*) after the words "co-operative society", the words "self-help groups, women led enterprises" shall be inserted.

Amendment of section 14.

4. After clause (*1*) of section 14 of the principal Act, the following proviso shall be inserted, namely:

"Provided that the Central Government shall reserve twenty-five percent of the Fund or Funds for the welfare and development of self-help groups.".

Amendment of Heading.

5. In Chapter V of the principal Act, in the heading, for the words, "MICRO AND SMALL ENTERPRISES", the words, "MICRO, SMALL AND MEDIUM ENTERPRISES" shall be substituted.

Amendment of section 15.

6. In section 15 of the principal Act, after the existing proviso, the following proviso shall be inserted namely:

"Provided further that the supplier shall upload invoices for an amount notified by the Central Government, on information utilities set up under the Insolvency and Bankruptcy Code, 2016 (31 of 2016).".

Amendment of section 18.

7. In section 18 of the principal Act, for the words, "Micro and Small Enterprises", the words "Micro, Small and Medium Enterprises" shall be substituted.

Amendment of section 20.

8. In section 20 of the principal Act, for the words, "Micro and Small Enterprise", the words, "Micro, Small and Medium Enterprises", shall be substituted.

Amendment of section 21.

9. In section 21 of the principal Act,

(*a*) for the words, "Micro and Small", wherever they occur, the words, "Micro, Small and Medium" shall be substituted; and

(*b*) in sub-section (*1*), in clause (*ii*), for the words, "micro or small", the words, "micro, small or medium" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

India's economic and financial has suffered due to a critical missing piece: women. Women across all segments, be it entrepreneurs or retail customers, face multiple barriers such as legal, socio-cultural and infrastructural barriers in accessing finance in an equitable manner. These are spread across such as restricted mobility, lack of traditional collateral, lower ownership of mobile phones and access to the internet, lower financial literacy levels. The unmet credit gap for women-owned enterprises is 70.37 per cent which translates to a financing gap of rupees 1.37 lakh crore and presents a huge market opportunity for financial institutions.

The need is to include women led enterprises under the Micro, Small and Medium Enterprises Act, 2006 in order to enable better targeting of women centric schemes, initiatives and products; collection of gender disaggregated data; and a consolidated digital platform for such enterprises - all of which contribute towards creating an enabling ecosystem for women entrepreneurs. The need is to empower women led enterprises by giving them preferential for procurement of goods and services.

It is also necessary to introduce Self Help Groups (SHGs) under the MSME Act, 2006 in order to economically empower these groups and promote entrepreneurship. A duty on the State is also to be made for setting set up funds for self help groups in order to promote entrepreneurship.

Furthersome, it is also required to include Medium enterprises in order to provide for the safeguards, recourse and complaint mechanisms under the Act to be extended to medium enterprises as well. A complaint mechanism requiring the MSMEs to upload invoices on Information Utilities, to act as a safeguard against delayed payments is also required.

It is noteworthy that the MSME sector is responsible for around one-third of India's GDP and has tremendous room for expansion. The importance of the sector in India's economic growth cannot be over-emphasized. With the presence of over 63 million MSMEs employing over 110 million people staggered across services, the manufacturing sector contributes nearly 30 per cent to the GDP. Therefore, it is imperative that a legislative backing is rendered to MSME to ensure their overall empowerment.

Hence, this Bill.

NEW DELHI;
23 *November*, 2022.

HEENA VIJAYKUMAR GAVIT

BILL NO. 238 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2022.

(*2*) It shall come into force with immediate effect.

Amendment of article 312.

2. In article 312 of the Constitution, in clause (*1*), for the words "all-India Judicial service", the words "all-India Judicial Service and an all-India Education Service" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In the wake of the pandemic that has hit the education systems of the entire world hard, it becomes very necessary for a country like India to have a stable, standard, reliable and controlled system of educating its population. Unlike countries like the United Kingdom or any other developed country for that matter, has a limited population to deal with that is supported by a declining and aging population for which brilliant brains from other countries specially India are taken out to keep up their standards high.

The bill proposes to add Indian Education Service to the list to enhance the standards of education in the country by bringing in more consistence and quality in terms of teachers and education. India has come a long way after its liberalisation or independence from the ugly British Raj which makes it among the top destination for investment, outsourcing, and manufacturing, primarily in the service sector. India now being a major economy still lacks in aspects of vocational education, as almost no emphasis has been laid upon such areas of education, skill development and on field training, which should be added in order to give the future of the nation a brief over-view of the industries helping then in making an informed decision in terms of the career that they might want to choose.

The success of any country largely depends on its educated citizens and this can be realised only if the education system functions well. This must be the reason why the National Policy on Education, 1986, revised in 1992, stressed the need for strengthening the education system in the country. The government should have complete faith in the teaching community and the teachers' associations should play a significant role in improving education, upholding professional integrity to enhance the dignity and status of the teacher. Keeping this in mind, on behalf of teacher's federations representing teachers at all levels, from nursery to university level in India, a memorandum was presented to the Centre some time back requesting urgent attention to establish the Indian Education Service.

The entire teaching community of India will appreciate the commitments which the policy has made to the nation, to the people, to the education, and the management system. The management system is a high priority item in education and it should receive urgent attention and support. Along with a number of dynamic steps in the economic and development fields, the educational management should also get top priority.

The following needs to be kept in mind for improving the education scenario in our country. Teaching should be regarded as a profession. It is a form of public service, which requires teachers expert knowledge and specialised skills, acquired and maintained through rigorous and continued research and study. It also calls for a sense of personal and corporate responsibility for the development and welfare of the pupils they are in-charge of.

The Ministry of Education has come out with this proposal as part of National Education Policy-2016 and invited views from stakeholders until end of this month. The idea of an Indian Education Service (IES) was first floated in the late 1980s by the then Human Resource Development Minister. By creating IES, specialists in education will occupy top administrative posts and motivate their subordinates to work with dedication and commitment.

Hence this Bill.

NEW DELHI;
23 *November*, 2022.

HEENA VIJAYKUMAR GAVIT

BILL NO. 241 OF 2022

A Bill further to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows,—

Short title and commencement.

1. (*1*) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 21.

2. In section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the principal Act), after clause (*iii*), the following clause shall be inserted, namely,—

"(*iv*) every senior citizen with an annual income of less than rupees twelve lakhs shall be entitled to a fixed pension amount not exceeding rupees thirty-five

thousand per month from the Senior Citizen Welfare Fund, established under the Finance Act, 2015, in such manner as may be prescribed.".

Amendment of section 22.

3. In section 22 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely,—

"(*3*) The State Government shall prescribe a comprehensive action plan with regard to digital and financial protection and wellbeing of senior citizen with respect to cyber frauds, identity theft, online banking frauds and take fast track action in that behalf.".

Amendment of section 32.

4. In section 32 of the principal Act, in sub-section (*2*), after clause (*f*), the following clause shall be inserted, namely,—

"(*fa*) a comprehensive action plan for providing protection against offenses like identity theft, financial fraud and cybercrime with regards to senior citizens under sub-section (*3*) of section 22.".

STATEMENT OF OBJECTS AND REASONS

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted on 29th December, 2007 to ensure need-based maintenance for parents and senior citizens and their welfare. It's been more than a decade now that the Act is in place, serving the needy parents and senior citizens, with the active co-operation of the State Governments and Union Territory Administrations.

With the gradual breakdown of joint family system in the society, number of cases of neglect, crime, exploitation and abandonment of parents and senior citizens are in the rise. Various High Courts have also issued orders directing the Government to review provisions of the Act.

Pensions are an assurance of continuation of consumption levels required for dignified living in the face of reduction in income due to physiological atrophy and comparatively restricted income-generating opportunities. Amendment to section 21 seeks to provide universal pension for the elderly with an income of less than twelve lakhs. Currently the Union Government contributes Rs. 200 per month, which is less than (or less than US$3). Over the next 33 years, by 2050, 324 million Indians, or 20 percent of the population, will be above 60 years of age. If pension continues to cover only 35 percent of senior citizens as it does today, 200 million, or 61.7 percent of India's elderly population, will be without any income security by 2050. Given this fact, it is imperative that the Government active measures to ensure universal pension for the elderly. Therefore, the amendment.

To ensure online safety of senior citizens amendment to section 22 of the act places responsibility on the State Governments to spread awareness and improve standards of digital literacy among the elderly in order to protect them from high cases of cybercrime, identity theft, financial fraud and money laundering. Through amendment to section 32, the State Government has been empowered to create rules for a comprehensive action plan for providing protection against offences like, cybercrime, identity theft, financial fraud and money laundering.

Hence this Bill.

NEW DELHI;
23 *November*, 2022.

HEENA VIJAYKUMAR GAVIT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of fix pension amount not exceeding rupees thirty-five thousand to every senior citizen with an annual income of less than rupees twelve lakhs from the Senior Citizen Welfare Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 91 OF 2020

A Bill to ensure speedy removal of social and economic disparity through targeted expendiiure on special schemes for the welfare and development of the persons belonging to the Scheduled Castes and the Scheduled Tribes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-first Year of the Republie of India as follows:—

Short title and commencement.

I. (*1*) This Act may be called the Scheduled Castes and the Scheduled Tribes Sub Plans (Budgetary Allocation and Special Schemes) Act, 2020.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*)"prescribed" means prescribed by the rules made under this Act;

(*b*) "Scheduled Castes Sub Plan" means the process of funds allocation, identification and preparation of exclusive schemes, the expenditure on such schemes and the analysis of its final outcome, for the Scheduled Castes;

(*c*) "special schemes" means schemes which focus on individual beneficiary schemes, family oriented cum income generating schemes for development of persons belonging to the Scheduled Castes and the Scheduled Tribes and Scheduled Castes and Scheduled Tribes families and schemes for improving the physical and social infrastructure of localities and community infrastructure like special schools for girls 1o and boys, coaching centers, working womens' hostel, special libraries, health and employment; and

(*d*) "Tribal Sub Plan" means the process of funds allocation, identification and preparation of exclusive schemes, the expenditure on such schemes and the analysis of its final outcome, for the Scheduled Tribes.

Budgetary allocation for Scheduled Castes and the Scheduled Tribes.

3. (*1*) The Central Govemment shall, after due appropriation made by Parliament by law in this behalf, make separate budgetary allocation for the welfare and development of persons belonging to the Scheduled Castes and the Scheduled Tribes, in proportion to their population.

(*2*) The budgetary allocations so earmarked under sub-section (*I*) shall be spent only on special schemes in such manner, as may be prescribed.

(*3*) The budgetary allocations under the Scheduled Castes Sub Plan and Tribal Sub Plan shall not be diverted for any other purposes or allowed to lapse.

(*4*) For the purposes of this Act, the Ministry of Social Justice and Empowerment, Government oflndia shall be the nodal Ministty for the Scheduled Castes Sub Plan and the Ministry of the Tribal Affairs shall be the nodal Ministry for Tribal Sub Plan.

(5) The Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs shall present separate Annual Budgets and Performance Budgets for the Scheduled Castes Sub Plan and Tribal Sub respectively.

Penalties.

4. Whoever contravenes the provisions of sub-sections (*2*) or (*3*) of section 3 shall be guilty of wilful and deliberate act of dereliction of duty and shall be punished under section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 after fixing the individual responsibility. 33 of 1989.

Act to have overriding effect.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to remove difficulties.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions contained in this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after expiry of two years from the date of commencement of this Act. ·

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The legislative efforts undertaken to close the development gap between Dalits and Adivasis and other date back to 1950, when the Constitution provided opportunities for the Scheduled Castes and the Scheduled Tribes in the areas of education, employment in public services and electoral seats through the policy of reservation. From economic point of view, the most important policies approved so far are the Tribal Sub Plan (STP) and the Special Component Plan (SCP), now called Scheduled Castes Sub Plan (SCSP), executive budget poiicies, according to which funds and resources are to be reserved across Central Ministries and Departments in the State Governments in pwportion to the Scheduled Castes/Scheduled Tribes population at the national, as per the current census date.

However, close scrutiny of the current situation reveals that these two policies have not been implemented effoctively. The money eannarked under these policies is diverted for general scheme and does not go for funding of the schemes, exclusively for the benefit of the Scheduled Castes and the Scheduled Tribes. It is not surprising that Dalits and Adivasis stili remain far away from mainstream development in the country. The literacy gap is still quite high and die dropout rate is still high. The rate of infant mortality and child mortality under five is higher among the Scheduled Castes and the Scheduled Tribes than among other social group; the Scheduled Castes and the Scheduled Tribes are still less equipped with the basic requirements for human survival like water and power supply facilities, latrines, sewarage, houses, etc. and poverty is stiil very rampant among them.

In fact, positive and substantial changes require making appropriate allocation of funds compulsory, their distribution timely and focused and effective management of the funds for the welfare of the Scheduied Castes/Scheduled Tribes. Hence, there is a need to introduce a new piece of legislation with the objective of achieving the holistic and speedy economic development of these communities. In order to ensure speedy economic development of the persons belonging to the Scheduled Castes and the Scheduled Tribes, it is proposed to give statutory back up to the SCSP and STSP and a strict monitoring on their implementation, without diversion of funds earmarked for welfare of the Scheduled Castes and the Scheduled Tribes.

Hence this Bill.

NEW DELHI;
6 *November*, 2019.

LOCKET CHATTERJEE

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(l) AND 117(*3*) OF THE CONSTITUTION

[Copy of Letter No. 16014/01/2019-SCD-II/DAPSC dated 4 March, 2020 from Shri Thaawarchand Gehlot, Minister of Social Justice and Empowennent to the Secretary General, Lok Sabha}.

The President, having been informed of the subject matter of the Scheduled Castes and Scheduled Tribes Sub Plans (Budgetary Allocation and Special Scheme) Bill, 2020 by Shrimati Locket Chatterjee, M.P., recommends the introduction and consideration of the Bill in Lok Sabha under articles 117(*1*) and 117(*3*), respectively, of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a separate budgetary allocation by the Central Government for the Welfare and development of the persons belonging to the Scheduled Castes and the Scheduled Tribes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to estimate the expenditure likely to be incurred.

No non-recurring expenditure is likely to be involved.

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MEMORANDM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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BILL NO. 351 OF 2019

A Bill to provide for incentives to State Governments and Municipal Corporations to take effective steps towards reduction of vehicular pollution in urban areas.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows,—

Short title and commencement.

1. (*1*) This Act may be called the Vehicular Pollution Reduction Act, 2019.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Authority" means the Vehicular Pollution Regulation and Assessment Authority constituted under section 6;

(*b*) "Carpool-only lane" means a lane of a road that is exclusively reserved for the use of powered vehicles carrying a minimum of four passengers including the driver, or, in the case of motorcycles, a minimum of two passengers including the driver;

(*c*) "eligible vehicle" refers to a powered vehicle intended to be used on roads and which meets any of the following descriptions,—

(*i*) an electric vehicle, that is, a vehicle that is powered entirely by electric power stored in a battery which is recharged through an electrical outlet;

(*ii*) a hybrid vehicle, that is, a vehicle that is a partly powered through battery power and partly through an internal combustion engine;

(*iii*) a plug-in hybrid vehicle, that is, a vehicle that can be powered in the same way as a hybrid vehicle, and through electric power stored in a battery which is recharged through an electrical outlet;

(*iv*) a fuel cell vehicle, that is, a vehicle powered by an engine where the only byproduct that is produced is water;

(*v*) a natural gas vehicle, that is, a vehicle that is powered by compressed natural gas or liquefied natural gas;

(*vi*) a biofuel vehicle, that is, a vehicle that is powered by biofuels:

Provided that the Central Government may, by notification in the Official Gazette, lay down requirements, including technical specifications, minimum or maximum engine capacity, engine efficiency or composition of fuel emissions, for any of the above description, fulfillment of which shall be necessary for a vehicle to fall within the meaning of eligible vehicle; and

(*d*) "traffic signal synchronization" means the traffic engineering technique where traffic signals are designed, monitored and operated in order to coordinate the times taken for signals to change for a series of roads and junctions, so as to minimise stops and delays for vehicles.

Conditions for a Municipal Corporation to receive grant.

3. Every Municipal Corporation shall be entitled to receive from the Central Government a grant of one hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specify, if it satisfies any five of the following eight conditions,—

(*a*) implement a system for collecting a fixed daily fee as congestion fee from vehicles that enter congested areas within the municipality;

(*b*) introduce carpool-only lanes on major roads in the municipal area;

(*c*) provide rebates to residents of the municipal area for purchase of eligible vehicles;

(*d*) provide free electric recharging facilities for cars to residents of the municipal area;

(*e*) implement a system which bars entry into the municipality area of vehicles older than ten years;

(*f*) implemente a system of traffic signal synchronization within the municipal area;

(*g*) provides the following benefits to eligible vehicles—

(*i*) permit eligible vehicles to use carpool-only lanes irrespective of the number of occupants of the vehicle; and

(*ii*) exempt eligible vehicles from parking fee at public parking facilities in the municipal area; and

(*h*) provides the following benefits to owners of eligible vehicles,—

(*i*) full or partial waiver of Taxes/fees, charges or other types of dues taken by the municipal corporation from the user of vehicles;

(*ii*) full or partial waiver of toll fee at toll fee collection points under the administrative control of the municipal corporation; and

(*iii*) credits for expenses on the fuel for eligible vehicles that can be set- off against fees, charges or other types of dues taken by municipal corporation.

Conditions for a State Government to receive grant.

4. The State Government shall be entitled to receive from the Central Government a grant of three hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specify, if that State Government satisfies any two of the following conditions,—

(*a*) impose an additional Tax on all vehicles which do not fall within the category of eligible vehicles.

(*b*) exempt eligible vehicles from the requirement of registration in the State after relocation in that State if such eligible vehicles have previously been registered in any other State;

(*c*) adopt policies which require persons working in private or Government offices, organizations, agencies or businesses in the State to work from home for atleast one working day every week.

Grant for State Government achieving state-wide compliance with conditions.

5. The State Government shall be entitled to receive from the Central Government a grant of five hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specifies, if—

(*a*) the State has five or less Municipal Corporations and all Municipal Corporations within the State are eligible to receive grant under section 3; or

(*b*) the State has more than five but not more than twenty Municipal Corporations and not less than three-fourths of all the Municipal Corporation within the State are eligible to receive grant under section 3; or

(*c*) the State has more than twenty Municipal Corporations and not less than one-half of all Municipal Corporations within the State are eligible to receive grant under section 3.

The Vehicular Pollution Regulation and Assessment Authority.

6. (*1*) The Central Government shall, within one month of the coming into force of this Act, by notification in the Official Gazette, constitute an Authority to be known as the Vehicular Pollution Regulation and Assessment Authority.

(*2*) The Authority shall consist of a Chairperson and representatives from the Union Ministries of Finance, Road Transport and Highways and the Environment, Forest and Climate Change, to be appointed by Central Government in such manner as may be prescribed.

(*3*) The allowances payable to and other terms and conditions of services of Chairperson and other members of the Authority shall be such as may prescribed.

Authority to determine satisfaction of conditions.

7. (*1*) The Authority shall determine whether a Municipal Corporation or a State Government satisfies the conditions laid down under sections 3, 4 and 5.

(*2*) The decision of the Authority under sub-section (*1*) shall be final.

(*3*) While making a determination under sub-section (*1*), the Authority shall take into consideration the steps taken by a Municipal Corporation or a State Government towards achieving the intended objectives behind each of the conditions mentioned in sections 3, 4 and 5.

Power of the Authority to issue specifications.

8. (*1*) The Authority may, from time to time, issue specifications, for each of the conditions mentioned in sections 3, 4, and 5.

(*2*) Without prejudice to the generality of the foregoing provision, the Authority shall have the power to—

(*a*) prescribe parameters for identifying congested areas in a municipal corporation;

(*b*) prescribe parameters for fixing congestion fee to be levied by a municipal corporation;

(*c*) demarcate roads for carpool-only lanes;

(*d*) prescribed the minimum rate of rebate to be given to the owners for purchasing eligible vehicles;

(*e*) prescribe performance parameters for traffic signal synchronization;

(*f*) prescribe the minimum rate of waiver in fees, charges or other types of dues to the municipal corporation to be given to the owners of eligible vehicles; and

(*g*) prescribe the minimum additional cost to be realised by way of the imposition of any additional penalty on all vehicles other than eligible vehicles.

(*3*) A specification issued under sub-section (*2*) shall not be modified or revoked till the completion of a period of one year from the date of issue of specification:

Provided that the Authority shall have no restrictions on issuing specifications on other aspects during such time.

Advance determination of proposal.

9. (*1*) Every State Government and Municipal Corporation shall have the right to submit their proposal of steps to be taken to the Authority for an advance determination of whether such steps, if implemented, would satisfy the conditions laid down in sections 3, 4 or 5.

(*2*) The Authority shall provide such an advance determination within three months of receiving the proposal from the State Government or the Municipal Corporation.

(*3*) For the purpose of becoming eligible for the grants specified in sections 3,4 or 5, obtaining of an advance determination shall not affect the requirement of obtaining a determination under section 7.

Protection of action taken in good faith.

10. No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done, or intended to be done, under or in pursuance of the provisions of this Act.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Vehicular pollution is one of the biggest crisis that is unfolding in our country today. Rapid urbanisation and the lack of adequate city planning for a long time have together contributed to a situation where large numbers of pollution-spewing cars clog our roads, putting the health of our citizens under siege. Further complicating the situation is the fact that many laws and regulations that apply to the use of vehicles are made at the State and local Government levels, thus providing for a diverse array of disparate interests. The situation calls for drastic but co-ordinated action.

This Bill seeks to streamline the interests of municipal corporations, State Governments and the Central Government when it comes to taking steps towards reducing vehicular pollution. It provides a mechanism where the Municipal Corporation and State Government can become eligible for financial grants if they undertake efforts towards curbing vehicular pollution within their jurisdiction. While incidental benefits such as a reduction in road congestion may also result on enactment of this Bill. The need is to take concerted effort to act against the menace of pollution caused by vehicles.

Hence this Bill.

NEW DELHI;
6 *November*, 2019.

LOCKET CHATTERJEE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for providing grants to municipal corporations by the Central Government on fulfillment of certain conditions regarding reduction of vehicular pollution. Clause 4 provides for grants to the State Governments by the Central Government on fulfillment of certain conditions regarding reduction of vehicular pollution. Clause 5 provides for grants to the State Governments by the Central Government for achieving State-wide compliance with conditions. Clause 6 provides for constitution of the Vehicular Pollution Reduction Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crores is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 259 OF 2019

A Bill to provide for payment of unemployment allowance till gainful employment is provided to eligible citizens and ensuring the right to gainful employment and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows,—

Short title, extent and commencement.

1. (*1*) This Act may be called the Unemployment Allowance Act, 2019.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "Fund" means the National Youth Unemployment Assistance Fund constituted under section 4;

(*c*) "prescribed" means prescribed by rules made under the Act;

(*d*) "self-employment" means to work independently for one's clients or customers by setting up of own production or selling unit or establishment and not for any employer; and

(*e*) "unemployed citizen" means a citizen of India who has attained the age of eighteen years having no source of livelihood.

Right to gainful employment.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force every unemployed citizen shall have the right to gainful employment.

(*2*) It shall be the duty of the appropriate Government to provide gainful employment opportunity to every unemployed citizen within its territorial jurisdiction.

(*3*) The gainful employment referred to in sub-section (*1*) shall be provided according to the age, educational qualifications and physical status of the unemployed citizen.

(*4*) For carrying out the purposes of this Act, it shall be the duty of the appropriate Government to generate adequate employment opportunities in the public sector, private sector, small scale industries, cottage and village industries, khadi and other weaving industries, food processing sector, self-employment opportunities, agriculture and other sectors.

(*5*) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to fill up all the vacant posts in the inistries, Departments, Public Sector Enterprises and other Government agencies and organisations in a time bound manner.

Unemployed citizen.

4. Till such time gainful employment is provided to unemployed citizens or provision is made for self employment under any Government scheme or by providing loan through a Bank or Financial Institution, every such citizen shall be paid by the appropriate Government an unemployment allowance, not being less than rupees twenty thousand per month in such manner as may be prescribed:

Provided that the unemployment allowance shall not be paid under this Act to an unemployed citizen who,—

(*a*) has an income from any source not being less than the amount of unemployment allowance fixed under this Act, or

(*b*) is covered under any existing scheme of unemployment allowance prevalent in a State or Union territory, as the case may be:

Provided further that in case an unemployed citizen has an earning from any other source which is less than the amount of unemployment allowance fixed under this Act, his unemployment allowance shall be reduced by the amount of his earning.

Constitution of corpus fund for unemployment allowance.

5. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Fund for unemployment allowance with initial corpus of rupees sixty thousand crore and thereafter shall contribute to the fund, from time to time, along with the State Governments in such ratio as may be prescribed.

(*2*) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution, assistance or otherwise from individuals, body corporate, financial institution, firms and partnership.

(*3*) The Fund shall be managed by the Central Government in such manner as may be prescribed.

Central Government to provide adequate fund.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Acto to have overriding effects.

8. The provisions of this Act and rules made there-under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is projected to grow at eight per cent. *per annum* [Gross Domestic Product (GDP)] in the next two years and is the fastest growing major economy in the world. Jobless growth is an economic phenomenon in which an economy experiences growth while maintaining or decreasing its level of employment. The International Labour Organisation predicted that joblessness will increase from 17.7 million in 2016 to 18 million by 2018, even though the country's unemployment rate is expected to go down from 3.5 per cent. to 3.4 per cent. The trend of significant gap between the pace of GDP growth and that of employment growth has given rise to the phenomenon of "jobless growth" in India.

As per the survey by Labour Bureau, country's unemployment rate has shot up to a five year high of five per cent. in 2015-16. This figure is significantly higher, at 8.7 per cent, for women as compared to 4.3 per cent. for men. Equally tragic is the mounting unemployment among educated youth. The growing unemployment among educated youth (age group 15 to 29 years) in recent years is an outcome of such slow growth rate of jobs. At the all-India level, the unemployment rate among youth with secondary education unemployment rate increased from 2.6 per cent. to 3.2 per cent. and for those with higher secondary education unemployment rate increased from 3.3 per cent. to 4.4 per cent. In case of youth with a graduate degree unemployment rate increased from 5.8 per cent. to 8.4 per cent. and with a postgraduate degree it rose from 5.7 per cent. to 8.5 per cent.

About seventy-seven per cent. of Indian households do not have a regular wage/ salaried person. India has no dearth of quality human resources at its disposal. As a long term measure, there is a need to boost entrepreneurial instincts within the demographic base by substantially investing in human capital *via* education.

Another vital area needing policy intervention is the increasing gender-gap in the labour force participation. The shortage of jobs is compounded by depressed wages, with 82 per cent. of men and 92 per cent. of women earning less than rupees ten thousand per month. The advantages of economic growth are futile if it is not able to create sufficient jobs in the economy. India has an advantage due to its demographic dividend. There is an urgent need to effectively implement policy measures to exploit the demographic dividend and ensure inclusive and sustainable growth which is not jobless.

The Bill, therefore, proposes to grant unemployment allowance through creation of a fund for unemployment allowance having a corpus of sixty thousand crore. The grant of unemployment allowance will help in curbing the increasing unemployment. The Bill also seeks to make right to work compulsory by imposing an obligation on the Government to provide gainful employment.

Hence this Bill.

NEW DELHI;
6 *November*, 2019.

SU. THIRUNAVUKKARASAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for right to gainful employment to every unemployed citizen. Clause 4 provides for unemployment allowance to be paid to every unemployed citizen. Clause 5 provides for the constitution of the corpus Fund for payment of unemployment allowance. Clause 6 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage it is not possible to estimate the expenditure. However, it is estimated that a sum of rupees sixty thousand crore in addition to rupees sixty thousand crore as initial corpus, will involve a recurring expenditure per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 261 OF 2019

A BILL to establish an Agricultural Workers Welfare Fund for the welfare and development of agricultural workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows,—

Short title, extent and commencement.

1. (*1*) This Act may be called the Agricultural Workers Welfare Fund Act, 2019.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such a date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agriculture" with all its grammatical variations and cognate expressions, includes floriculture, horticulture, sericulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, stock breeding, cutting of wood or grass, gathering of fruit, raising of man-made forest or rearing of seedlings or plants;

(*b*) "Fund" means the Agricultural Workers Welfare Fund constituted under section 3;

(*c*) "prescribed" means as prescribed by the rules made under this Act; and

(*d*) "workers" mean workers engaged in any activity connected with agriculture.

Constitution of Agricultural Workers Welfare Fund.

3. (*1*) The Central Government shall, by notification in the Official Gazette constitute a Fund to be known as theAgricultural Workers Welfare Fund for carrying out the purposes of this Act.

(*2*) The Central Government and State Government shall contribute to the Fund in such ratios as may be prescribed.

(*3*) The Fund shall be administered by a Committee consisting of:—

(*a*) a Chairperson to be appointed by the Central Government having experience of at least ten years in the field of farmers welfare, agriculture or rural development;

(*b*) a Deputy Chairperson to be appointed by the Central Government having such qualification as may be prescribed;

(*c*) seven members of Parliament of whom four shall be from the House of the People and three from the Council of States to be nominated by the respective Presiding officers of the Houses and having a background in agriculture related activities;

(*d*) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture and Farmers Welfare, Labour and Employment, Finance and Rural Development, respectively;

(*e*) four members to be appointed by the Central Government from amongst the agricultural workers covered under this Act; and

(*f*) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(*4*) The Fund shall be utilized for the following purposes, namely,—

(*i*) payment of unemployment or sustenance allowance to agricultural workers during off season period;

(*ii*) free health facilities for the agricultural workers and their families in the hospitals to be set up for the purpose;

(*iii*) free educational facilities to the children of agricultural workers;

(*iv*) payment of compensation of workers who sustain injuries during work;

(*v*) payment of compensation to families of workers who die in harness;

(*vi*) payment of premium group life insurance cover of workers;

(*vii*) payment of disability allowance in case of accident at the workplace and are not able to work further;

(*viii*) payment of old age pension to those workers who have attained sixty years of age and are not gainfully employed;

(*ix*) provision of suitable facilities like canteen, health, recreation, water etc. at 40 work places;

(*x*) payment of bonus to workers; and

(*xi*) payment of maternity benefit and establishment of creche facilities for the children of female agricultural workers covered under this Act.

(*5*) The Salary and allowances payable to, and other terms and conditions of service of Chairperson, Deputy Chairperson and other member of the Committee shall be such as may be prescribed.

Central Government to provide adequate Funds.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee constituted under sub-section (*3*) of section 3, for carrying out the purposes of this Act.

Act not in derogation of other law.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The agricultural sector of the economy in India is the largest sector in terms of employment of the workforce. It consists of crop cultivation and other agricultural activities such as forestry, livestock and fishing. The workers in this sector may be broadly divided into wage workers, and farmers. Almost the entire agricultural sector (except the Plantation Sector) is unorganized *i.e.* it has neither any formal system of social security nor regulation of conditions of work.

According to estimates of the 2011 Census, there are close to 230 million people who are employed as agricultural workers in India. More and more firm workers are moving away from agriculture and this has been negatively affecting the country's productivity especially in crops which are labour intensive like Paddy, Wheat, Cotton, Sugarcane and Groundnut. Currently, the profession of agricultural labour is of 'all pain and no gain'. Across the country, monthly earnings have been found to be as low as one thousand rupees. This poor economic state is further worsened when coupled with the pitiable other hazardous conditions of these workers. Excessive working hours lead to poor health and low life expectancy across the profession. Accessibility towards basic healthcare and education as well as essential social security schemes is virtually inexistent. The seasonal nature of this profession further adds to the woes of these citizens, who constitute the poorest thirty per cent. of the country who are left to fend for their lives during off-season without any money.

The agricultural workers in the Unorganised Sector face problems that arise out of deficiency or capability deprivation in terms of inadequate employment, low earnings, low health, etc., as well as of adversity in the absence of fall back mechanisms (safety net). These workers have limited or no formal social security cover which increases their vulnerability during times of illness, old age, unemployment and untimely death. The absence of social security mechanisms is a critical factor in downturns in the conditions of these households, many of whom are already very poor. It destroys the workers ability to contribute meaningfully, and to increasing production and productivity. It leads to disaffection increasing social costs, widespread crimes, and persistent ill health.

The changing nature of agricultural production—including the increased use of chemicals and machinery—is aggravating risks. This is particularly true in a number of developing countries where education, training and occupational safety and health services are largely inadequate. While there is a very long way to go in terms of establishing a satisfactory life for these workers, it is sad to say that even the bare minimum has not been done towards realising this very important goal.

The present Bill strives to constitute a Agricultural Workers Welfare Fund to establish through basic policy measures the rights that these workers deserve. It intend to cover agricultural workers, who are all agricultural wage workers not protected under the Plantations Labour Act, 1951 and marginal and small farmers. It also intends to provide a measure of social security to agricultural wage workers and marginal and small farmers in the unorganised sector.

Hence this Bill.

NEW DELHI;
6 *November*, 2019.

SU. THIRUNAVUKKARASAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Agricultural Workers Welfare Fund and for the benefit of agricultural workers. It also provides for a Committee consisting of a Chairperson, Deputy Chairperson and other member for administration of the Fund. Clause 4 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 15 OF 2023

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Section 2.

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code), in section 2— 2 of 1974.

(*a*) after clause (c), the following clause (ca) shall be inserted, namely:—

'(*ca*) "compensation" shall include, but not limited to, monetary and non-monetary counselling, health services, re-integration in society through skill training, relief of the harm or injury, including body, mind or reputation, suffered by malicious prosecution;'; and

(*b*) after clause (j), the following clause (ja) shall be inserted, namely:—

'(*ja*) "malicious prosecution" means instituting prosecution without any existing reasonable or probable cause, with malice or wrongful prosecution instituted without good faith and includes any of the following but not limited to, namely:—

(*i*) making or fabricating a false or incorrect record or document for submission;

(ii) making a false declaration or statement before an officer authorised by law to receive as evidence when legally bound to state the truth that is to say by an oath or by a provision of law;

(iii) otherwise giving false evidence when legally bound to state the truth that is to say by an oath or by a provision of law;

(iv) fabricating false evidence for submission;

(v) suppression or destruction of an evidence to prevent its production;

(vi) bringing a false charge, or instituting or cause to be instituted false proceedings against a person;

(vii) committing a person to confinement or trial acting contrary to law;

(viii) restraining or confining a person, without application of mind, while instituting a complaint after receiving information under section 154;

(ix) acting in violation of any law in any other manner not specifically covered under (i) to (viii) above.'.

Insertion of new Chapter XXVII.

3. After Chapter XXVII of the Code, the following Chapter and sections thereunder shall be inserted, namely:—

CHAPTER XXVIIA

Compensation to Person Maliciously Prosecuted

Application for compensation.

365A. (*1*) An application seeking compensation for a wrongful prosecution may be made:—

(*a*) by the accused person who has been maliciously prosecuted and has suffered injury; or

(*b*) where the accused person died either before or after the termination of wrongful prosecution, by all or any of the heirs or the legal representatives of the deceased:

Provided that where all the heirs or the legal representatives of the deceased have not joined in any such application for compensation, the application shall be deemed to have been made on behalf of and for the benefit of all the heirs and legal representatives of the deceased.

(*2*) Every application under sub-section (1) shall be filed preferred in the court where trial has been concluded or where the applicant resides.

(*3*) In case of incarceration for more than three months, in lieu of malicious prosecution the court may after hearing the applicant, award interim compensation to the applicant, for the injury suffered, which shall not be less than rupees one lakh.

(*4*) Every application for compensation under sub-section (1) shall be made within a period of one year from the date of acquittal or discharge or closure report filed by the officer, as the case may be:

Provided that the applicant may file application, after the expiry of the said period of one year if the court is satisfied that the applicant was prevented by sufficient cause from making the application within the prescribed time.

Explanation.—For the purpose of this section "injury" means monetary and non-monetary harm, of mind, body or reputation or any other kind connected therewith or incidental thereto, suffered during the prosecution, maliciously or wrongfully initiated.

Award of interest on compensation.

365B. Where the court allows the application for compensation, it may direct that an interest at the rate of nine per cent in addition to the compensation, shall also be paid from the date of such application:

Provided, in case the investigating officer or a Government agency has instituted a case, which concluded in favour of the applicant or accused, due to malicious prosecution, the court shall direct the State Government or Central Government, as the case may be, to pay the compensation, awarded by the court to the applicant herein after hearing the applicant and also initiate a judicial inquiry on such investigating officer or the investigating agency.

Factors to be taken into account by the court awarding compensation.

365C. While adjudicating the quantum of compensation under section 365A the court may, but not limited to, take into account the following factors, namely:—

(*i*) gravity of offence and punishment therein;

(*ii*) loss of health;

(*iii*) loss of income;

(*iv*) loss of livelihood;

(*v*) loss of reputation;

(*vi*) loss of property;

(*vii*) loss of opportunities;

(*viii*) psychological and physiological harm or injury;

(*ix*) disqualification suffered due to malicious prosecution;

(*x*) loss to lead a dignified life in the family; and

(*xi*) such other factor as the court may deem fit for the ends of justice or to prevent miscarriage of justice.

Compensation scheme for the person maliciously prosecuted.

365D. (*1*) Every State Government shall, in co-ordination with the Central Government, prepare a scheme for providing funds for the purpose of compensation to the person maliciously prosecuted or his dependents heirs who have suffered loss or injury as a result of the malicious prosecution and who require rehabilitation.

(*2*) Whenever a recommendation or direction, as the case may be, is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall be the nodal authority to dispense or release of the fund so directed to be awarded by the court.

(*3*) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the person maliciously prosecuted, may be directed, but not limited to, for immediate first-aid facility or medical benefits or mental health counselling or health services or vocational or skill development training forre-integration into the society, to be made available free of cost on such direction of the court awarding compensation in terms of either monetary or non-monetary, or any other interim relief as the appropriate court may deems fit.

Appeals.

365E. (*1*) Any person aggrieved of the interim compensation awarded by the court of the first instance under sub-section (3) of section 365A, may prefer an appeal within the period of ninety days from the date of the award to the High Court.

(*2*) No appeal shall lie against the interim award of the court of first instance.

Power to make rules.

365F. (*1*) The Central Government or State Government, as the case may be, by notification, make rules for the purpose of carrying out the purposes of this Chapter.

(*2*) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the form of making application for claims for compensation and the particulars it may contain, to be paid in respect of such applications under sub-section (*2*) of 365A;

(*b*) the procedure to be followed by a Court in holding an inquiry and the powers vested in a Civil Court which may be exercised by a Court;

(*c*) the form and the manner of the payment of amount for preferring an appeal against an award of the Court under sub-section (1) of section 365D; and

(*d*) any other matter which is considered necessary.

(3) Every rule made by a State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Restraining or confining the liberty of the human being must be in exceptional circumstances rather than a normal routine through powers vested in law. Article 21 of the Constitution says, 'no person shall be deprived of his life and personal liberty except in accordance with procedure established by law' and Article 22 provides for protection against arbitrary arrests and illegal detention. The administration of justice would be defied if the law of the land is moulded in a way that does not prohibit an individual from maliciously or wrongfully prosecuting the person in question. Malicious prosecution adds to the already burdened criminal justice system. Depriving a person of their liberty because of malicious prosecution is a direct violation of their fundamental right. Further, confinement leads to the loss of productive years, which a free person could have used for leading a dignified life, the loss of education , the loss of health, the loss of income, loss of livelihood, loss to lead a family with dignity, and loss to reputation etc. The international covenants, to which India is a signatory, protect a person from wrongful prosecution , but the implementation of the same has not been done. Article 14(6) of the International Covenant on Civil and Political Rights, 1966 (ICCPR) delineates the obligation of States in cases of miscarriage of justice resulting from wrongful prosecutions. It states that "when a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new and newly-discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him".

Article 9(5) of the ICCPR further underscores this right by declaring that "anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation".

The United Nations Human Rights Committee explained the obligations contained in Article 14 of ICCPR: "It is necessary that States parties enact legislation ensuring that compensation as required by this provision, can in fact be paid and that payment is made within a reasonable period of time". Not all countries party to this have substantiated it with their domestic amendments or laws.

The National Crime Records Bureau's (NCRB) annual statistical report called the 'Prison Statistics India (PSI)' contains information with respect to prisons, prisoners, and prison infrastructure. According to PSI 201513, there were 4,19,623 prisoners across the country; out of which, 67.2% *i.e.* 2,82,076 were undertrials substantially higher than the convict population *i.e.* 1,34,168 (32.0%). With respect to the issue of miscarriage of justice under consideration here, the period of incarceration of the undertrials also needs to be taken into consideration. The data shows that 25.1% (70,616) of the total undertrials spent more than a year in prison; 17.8% (50,176) spend up to 1 year in prison as undertrials, 21.9% (61,886) of the undertrials were in prison for 3 to 6 months, and 35.2% (99,398) undertrials spent up to 3 months in prison. Also to be noted is the data of release, which shows that during the year 2015, 82,585 prisoners were released by acquittal, and 23,442 prisoners were released in appeal. As per International report released, India, has one of the highest undertrial prisoners in the world.

The apex court considering state of affairs expressed anguish over person languishing in jails such as in *Thana Singh v. Central Bureau of Narcotics 2(2013) 2 SCC 590. See also: Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar, Patna, AIR 1979 SC 1369; Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India and Ors. (1994) 6 SCC 731,* observing: "The laxity with which we throw citizens into prison reflects our lack of appreciation for the tribulations of incarceration; the callousness with which we leave them there reflects our lack of deference for humanity.

It also reflects our imprudence when our prisons are bursting at their seams. For the prisoner himself, imprisonment for the purposes of trial is as ignoble as imprisonment on

conviction for an offence since the damning finger and opprobrious eyes of society draw no difference between the two..". After the *Maneka Gandhi v. Union of India, AIR 1978 SC 597,* Hon'ble Supreme Court of India gave a much needed interpretation of Article 21 of the Constitution of India, the courts started to consider awarding compensation in cases of undue detention and bodily harm. *Khatri & Ors. v. State of Bihar & Ors., AIR 1981 SC 928* (the Bhagalpur Blinding case) was one of the earliest case wherein the question was considered as to whether a person deprived of his life and liberty in violation of Article 21 be awarded relief by the court or not and the court further ordered the State to meet the expenses of housing the blinded victims in a blind home in Delhi.

The court in *Rudal Sah v. State of Bihar AIR 1983 SC 1086,* where the Supreme Court, passed an order of compensation for the violation of Articles 21 and 22 of the Constitution. In this case the petitioner was unlawfully detained in prison for 14 years after the order of acquittal. The court observed thus: "One of the telling ways in which the violation of that right can reasonably be prevented and due compliance with the mandate of Article 21 secured, is to mulct its violators in the payment of monetary compensation. Administrative sclerosis leading to flagrant infringements of fundamental rights cannot be corrected by any other method open to the judiciary to adopt".

Afterwards, the *Boma Chara Oraon* case, where the Supreme Court declared that anyone deprived illegally of his life or personal liberty can approach the Supreme Court and seek compensation for violation of his fundamental right under Article 21.The need to compensate the victims of wrongful arrests, incarceration etc. by awarding "suitable monetary compensation", the Supreme Court in the case of *Bhim Singh, MLA v. State of J & K &Ors.(1985) 4 SCC 677* opined that the mischief, malice or invasion of an illegal arrest and imprisonment cannot just be "washed away or wished away" by setting free the person so arrested or imprisoned.

The Court awarded a sum of Rs. 50,000/- as compensation for illegal detention but, it is noteworthy that it did not delve into the reasoning or mechanism of how this "suitable monetary compensation" was determined or should be determined in similar cases. Furthermore, getting into the question of " who will pay the compensation" the Supreme Court in the case of SAHELI, A women's resource center *v.* Commissioner of Police, Delhi AIR 1990 SC 513, held the vicarious liability of the State *i.e*. the State to responsible for the tortious acts of its employees; and, ordered the Delhi Administration to pay the compensation for police atrocities which lead to the death of a 9 year old child; further noting that the Delhi Administration has the option to recover the amount paid from the officers found responsible. Further, plethora of judgements of the court such as in Nilabatibehera and D.K. Basu talked about police atrocities and awarding compensation. Therefore, plethora of judgements of Supreme Court talked about compensation to person wrongfully prosecuted or unduly incarcerated, which is barred by law in common parlance. Even the Delhi High Court in the case of *Babloo Chauhan @ Dabloo vs. State Government of NCT of Delhi 247 (2018) DLT 31* expressed its concerns about wrongful implication of innocent persons who are acquitted but after long years of incarceration, and the lack of a legislative framework to provide relief to those who are wrongfully prosecuted. The Court, *vide* its order dated 30 November 2017, specifically called for the Law Commission of India to undertake a comprehensive examination of issue of relief and rehabilitation to victims of wrongful prosecution, and incarceration and held "There is at present in our country no statutory or legal scheme for compensating those who are wrongfully incarcerated. The instances of those being acquitted by the High Court or the Supreme Court after many years of imprisonment are not infrequent. They are left to their devices without any hope of reintegration into society or rehabilitation since the best years of their life have been spent behind bars, invisible behind the high prison walls.

The possibility of invoking civil remedies can by no stretch of imagination be considered efficacious, affordable or timely… …The decisions in *Khatri vs. State of Bihar (1981) 1 SCC 627; Veena Sethi vs. State of Bihar AIR 1983 SC 339; RudulSah vs. State of Bihar AIR 1983 SC 1086; Bhim Singh vs. State of Jammu and Kashmir (1985) 4 SCC 677 and Sant Bir vs. State of Bihar AIR 1982 SC 1470,* are instances where the Supreme Court

has held that compensation can be awarded by constitutional courts for violation of fundamental right under Article 21 of the Constitution of India. These have included instances of compensation being awarded to those wrongly incarcerated as well. But these are episodic and are not easily available to all similarly situated persons. There is an urgent need, therefore, for a legal (preferably legislative) framework for providing relief and rehabilitation to victims of wrongful prosecution and incarceration… Specific to the question of compensating those wrongfully incarcerated, the questions as regards the situations and conditions upon which such relief would be available, in what form and at what stage are also matters requiring deliberation..." after which the 277th Law Commission report in furtherance of the order of the Hon'ble Delhi High Court recommended for the formation of a legislative framework in lieu of compensation to person maliciously prosecuted.

In the prevalent time wherein registration of FIR has become a norm than a need, when a crime has taken place, so as to subvert the due process of law and falsely, maliciously or wrongfully incarcerate the person lead to abuse of law or manipulation of law according to whims and fancies of the sovereign. Thereby, there is indeed a need of legislative framework so to compensate the sufferings of the wrongfully or maliciously incarcerated and his/her family.

Therefore, this bill is produced herein below.

Hence this Bill.

NEW DELHI;
20 *July,* 2022.

MOHAMMAD JAWED

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3) OF THE CONSTITUTION

[Copy of letter No. 23.08.2022-Judl.Cell-I dated 12 January, 2023 from Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Code of Criminal Procedure (Amendment) Bill, 2022* (*Amendment of section 2, etc.*) by Dr. Mohammad Jawed, Member of Parliament, recommends under articles 117(1) and 117(3) of the Constitution for introduction and consideration of the Bill in Lok Sabha, respectively.

[*Bill, being perinted in 2023, the year in the title of Bill has been changed from 2022 to 2023.]

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 365A provides for award of interim compensation to persons convicted of wrongful prosecution. Further the proposed section 365B provides for award of interest on compensation. Also the same clause *vide* proposed section 365D provides for giving medical facilities, mental health counselling vocational and skill training to maliciously prosecuted persons in order to ensure their reintegration in the society. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees forty crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed section 365F empowers the Central Government and the State Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 261 OF 2022

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of section 440A.

2. After section 440 of the Indian Penal Code, 1860, the following section shall be inserted, namely:— 45 of 1860.

Mischief by stone pelting.

"440A. Whoever commits 'mischief of stone pelting on any person or property (public or private) shall be punished with imprisonment for a term which shall not be less than one year but which may extend to ten years and with fine which shall not be less than rupees fifty thousand but which may extend upto rupees one lakh:

Provided that in case of public property owned by or in the possession of ,—

(*a*) the Central Government; or

(*b*) any State Government; or

(*c*) any local authority; or

(*d*) any corporation established by, or under, a Central, Provincial or State Act; or

(*e*) a company as defined in section 2(20) of the Companies Act, 2013 (18 of 2013),

the person committing mischief by stone pelting shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend upto ten years and with fine:

Provided further that a person committing mischief of stone pelting on security personnel, police force, healthcare workers, rallies and religious functions shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend to ten years and with fine:

Provided also that if the person fails to pay the fine imposed for the damage done the same shall be recovered as an arrear of land revenue.

Explanation.—For the purpose of this section,—

(*a*) "public property" means any property, whether immovable or movable (including any machinery) which is owned by, or in the possession of, or under the control of the State or Central Government;

(*b*) "private property" refers to the ownership of property by private parties essentially anyone or anything other than the Government. Private property may consist of real estate, buildings, movable property, objects; and

(*c*) "stone pelting" — refers to criminal assault in the form of stone throwing by individuals or mob who pelt, bombard or throw stones at security personnel, police forces, healthcare workers, rallies and religious functions/procession or any property.".

STATEMENT OF OBJECTS AND REASONS

Although India does not have any law directly dealing with stone-pelting, there are other provisions of the Indian Penal Code that tackle this crime. These are Section 120B, 121, 141, 142, 143, 321 to 336, 350 and 427. Section 120B talks about punishment for criminal conspiracy, which may extend to six months and a fine. Section 121 talks about waging war against the Government of India, which can be punishable by life. Section 141 and 142 talk about unlawful assembly and Section 143 about its punishment, which may extend up to six months or a fine or both. Section 321 to Section 326 deal with voluntarily causing hurt and grievous hurt, which may attract a punishment of up to seven years along with a fine depending on the gravity of the injury. Section 350 talks about criminal force, which is punishable with imprisonment which may extend to three months or a fine or both. Section 427 talks about mischief causing damage to the amount of Rs. 50 or upwards shall be punishable for a term which may extend to two years. However, Section 326 was inserted with an amendment and two provisions relating to acid attacks were inserted, but stone-pelting is still to be taken care of. While the Indian Penal Code mentions action against rioting and violent activities, it does not include stone pelting or compensation for damages for stone pelting.

Hence this Bill.

NEW DELHI;
21 *November*, 2022.

RAHUL SHEWALE

BILL NO. 285 OF 2022

A Bill to abolish the practice of child marriages in the country.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Child Marriage Abolition Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(*a*) "child" means a person either male or female who has not completed twenty-one years of age;

(*b*) "child marriage" means a marriage to which either of the contracting parties is a child;

(*c*) "contracting party", in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;

(*d*) "Child Marriage Annulment Officer" includes the Child Marriage Annulment Officer appointed under sub-section (1) of section 6; and

(*e*) "district court" means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1984 exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act. 66 of 1984.

Child marriages to be void.

3. Notwithstanding anything contained in any law at the time being in force, every child marriage solemnized on or after the date of coming into force of the Child Marriage Abolition Act, 2022 shall be *"void ab initio"*.

Punishment for promoting or permitting solemnisation of child marriages.

4. (*1*) Where a child marriage is solemnised, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to ten years and shall also be liable to fine which may extend up to five lakh rupees or both.

(*2*) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a child marriage was solemnised, the person having charge of such child has negligently failed to prevent the marriage from being solemnised.

2 of 1974.

Offences to be cognizable and non-bailable.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.

Child Marriage Amulment Officers.

6. (*1*) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Annulment Officer having jurisdiction over the area or areas specified in the notification.

(*2*) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Child Marriage Annulment Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(*3*) It shall be the duty of the Child Marriage Annulment Officer,—

(*a*) to prevent solemnisation of child marriages by taking such action as he may deem fit;

(*b*) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;

(*c*) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;

(*d*) to create awareness of the evil which results from child marriages;

(*e*) to sensitize the community on the issue of child marriages;

(*f*) to furnish such periodical returns and statistics as the State Government may direct; and

(*g*) to discharge such other functions and duties as may be assigned to him by the State Government.

(*4*) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, divest the Child Marriage Annulment Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Annulment Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

Power of court to issue annulment prohibiting child marriages.

7. (*1*) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Annulment Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons voiding such marriage.

(*2*) A complaint may be made by any person having personal knowledge or having reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages.

(*3*) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *Suo motu* cognizance on the basis of any reliable report or information.

(*4*) For the purposes of preventing solemnisation of mass child marriages on certain days such as *Akshaya Trutiya*, the District Magistrate shall be deemed to be the Child Marriage Annul Officer with all powers as are conferred on a Child Marriage Annul Officer by or under this Act.

(*5*) The District Magistrate shall also have additional powers and he may take all appropriate measures and use the minimum force required to stop or prevent solemnisation of mass child marriages.

(*6*) No injunction shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(*7*) An injunction issued may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(*8*) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued.

(*9*) Where an application is received the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application, wholly or in part, it shall record in writing its reasons for so doing.

(*10*) Whoever knowing that an injunction has been issued against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

Child Marriage Amulment Officers to be public servants.

8. The Child Marriage Annulment Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. 45 of 1860.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceedings shall lie against the Child Marriage Annulment Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power of Central Government and State Governments to make rules.

10. (*1*) The Central Government or the State Governments may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in the making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal.

11. (*1*) The Prohibition of Child Marriage Act, 2006 is hereby repealed. 6 of 2002.

(*2*) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act has not been passed.

STATEMENT OF OBJECTS AND REASONS

The problem of child marriage in India is a complex one because of religious traditions, social practices, economic factors and blind beliefs.

The legal age of marriage for women being 18 years, child marriages continue in India and a decrease in such marriages has been not because of the existing law, but an increase in girls' education and employment opportunities.

The Prohibition of Child Marriage Amendment Act, 2021, (PCMAA) has no provisions to make child marriage void.

The PCMAA outlines conditions under which a marriage is void. When a minor child is enticed out of the keeping of the lawful guardian to marry, is forced or compelled or by deceitful means is induced to go from any place or is sold for marriage.

However, marriage itself with a minor is not void under the PCMAA. It makes child marriage voidable at the option of any contracting party, who was a 'child' at the time of the marriage.

Hence this Bill.

NEW DELHI;
November 21, 2022

RAHUL SHEWALE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government and the State Governments to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 53 OF 2023

A Bill to provide for the protection from exploitation and welfare measures for the salt workers in the country by setting up a welfare fund, for payment of old age pension, healthcare, educational facilities for their children and for payment of minimum wages and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Salt Workers Welfare Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. (*a*) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(*b*) "employer" means any person who employs, whether directly or through any other person, or contractor, whether on behalf of himself or on behalf of any other person, one or more labourer or workers for work connected with salt making from sea or salt lake, as the case may be, including handling of salt;

(*c*) "welfare fund" means the Salt Workers Welfare Fund constituted under section 4;

(*d*) "prescribed" means prescribed by rules made under this Act; and

(*e*) "salt worker" means any person engaged in making salt from sea or lake water on land by digging shallow wells and pumping out brine or in a chemical factory or any related occupation as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self employed person.

Formulation of National Policy for Salt and Salt Workers.

3. (*1*) The Central Government shall, by notification in the Official Gazette, formulate a National Policy of Salt and Salt Workers.

(*2*) The National Policy formulated under sub-section (1) shall include,—

(*a*) a common salt policy for the entire country;

(*b*) declaration of salt as an agricultural product; and

(*c*) welfare measures and social security for the salt workers.

Constitution of Salt Workers Welfare Fund.

4. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Salt Workers Welfare Fund for carrying out the purposes of this Act.

Utilisation of Fund.

5. The Fund shall be utilised for,—

(*a*) providing healthcare facilities for the salt workers;

(*b*) conducting of medical check-up camps at least once in a year for the salt workers;

(*c*) payment of compensation to the next kin in case of death of salt workers;

(*d*) housing facility at subsidised rate;

(*e*) payment of old age pension;

(*f*) providing water supply for drinking and other purposes;

(*g*) providing educational facility to the children of salt workers; and

(*h*) undertaking such other welfare measures which the appropriate Government deems fit.

Responsibility of the appropriate Government.

6. It shall be the responsibility of the appropriate Government to,—

(a) undertake welfare measures for the salt workers;

(*b*) ensure payment of minimum wages to the salt workers; and

(*c*) ensure job security to the salt workers.

Central Government to provide funds.

7. The Central Government shall, after due appropriation by Parliament, provide funds to Governments of concerned States for carrying out the purposes of this Act.

Overriding effect of the Act.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may make such order to give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order shall be final.

Power to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Salt is a Central subject and land is a State subject. Abody need to be constituted to set up common rules and regulations for the salt farmers. Salt workers are seasonal workers with marginal source of income. There is lack of social and health securities for salt workers. They are exposed to hazardous work-environmental factors and work in extreme climatic conditions. Workers also suffer from different occupational health condition as well as due to lack of education and awareness they pay no attention to the occupational health hazardous conditions. There is lack of motivation towards use of personal protective equipment. All the workers have oral abusive habits and poor personal hygiene. The salt workers settlements lack basic amenities like potable drinking water, toilets and waste management systems. Government should pay attention towards the salt workers health and socio-economic status.

Hence this Bill.

NEW DELHI;
16 *January*, 2023.

RAHUL SHEWALE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of Salt Workers Welfare Fund. Clause 7 provides for funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one crore will be involved per annum.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 2 OF 2023

A Bill further to amend the Chit Funds Act, 1982.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Chit Funds (Amendment) Act, 2023.

49 of 1982.

Amendment of section 2.

2. In section 2 of the Chit Funds Act, 1982 (hereinafter referred to as the principal Act), in clause (*b*), after the words "fraternity fund", the words "Money Growing Scheme" shall be inserted.

Amendment of section 4.

3. In section 4 of the principal Act, in sub-section (1), in the proviso,—

(*i*) for the words "within twelve months", the words "within three months" shall be substituted; and

(*ii*) for the words "six months", the words "three months" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Chit Funds Act, 1982 was enacted to provide for the regulation of chit funds which are indigenous business in India and have conventionally satisfied the financial needs of the low-income households. The chit is a mechanism which combines credit and savings in a scheme, in which a group of individuals come together for a pre-determined duration and subscribe a certain sum of money by way of periodical installments and each such subscriber, in his term as determined by lot or by auction or by tender or any other specified manner, gets the collected sum. In this way, people who are in need of funds and those who want to save are able to meet their requirements simultaneously.

Chit Funds frauds have become day to day affair. There is an immediate need to check the increasing number of chit funds frauds in order to save the hard earned money invested in such chit funds by the common man.

At present chit funds can be floated without prior approval of the State Government concerned. A chit fund is required to get registered within a period of twelve months from the date of its sanction or within such further period or periods not exceeding six months in the aggregate as the State Government may allow as specified in the section 4 of the Chit Funds Act, 1982. In order to facilitate orderly growth of the chit fund sector, to remove bottlenecks being faced by the chit fund industry and to enable greater financial access to people, the Chit Funds (Amendment) Bill, 2023, *inter alia*, proposes the following, namely:—

(a) insertion of the words "Money Growing Scheme", in clause (b) of section 2 which defines "chit";

(b) to cut short the registration period to three months from the date of sanction, so that the persons responsible for the conduct of a chit fund do not prolong the registration of chit to commit fraud with the public.

Hence this Bill.

NEW DELHI;
December 20, 2022.

SUKANTA MAJUMDAR

BILL NO. 41 OF 2023

A Bill to provide for compulsory yoga practice from primary to senior secondary level in all the schools and other education institutions throughout the country in order to prepare talent of sports from school level and thereby ensuring good and sound health of students and for making it obligatory for the Central and State Governments to provide requisite infrastructure for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Yoga Practice in Schools and other Education Institutions Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of the State, and in all other cases, the Central Government;

(*b*) "education institution" means an university or college imparting education to student, by whatever name such institution is called;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "school" means any Government school or a Government aided school or a private school, which imparts education from primary to senior secondary school level;

(*e*) "sports infrastructure" means requisite resources required for playing game such as playground with necessary facilities, articles of sports, sports instructors and requisite environment as are required for sports in the school; and

(*f*) "yoga" means teaching of yoga postures or asanas and such other yoga exercises as would promote the control of the body by bringing in flexibility, strength and endurance and of the mind by enhancing alertness and meditation.

National policy for Yoga Practice and infrastructure.

3. (*1*) The Central Government shall, as soon as may be, but not later than one year after the commencement of this Act, formulate a National Policy for providing yoga practice and ensuring requisite infrastructure and other facilities required for yoga practice in all schools of the country.

(*2*) The national policy referred to in sub-section (1) shall provide for,—

(*a*) imparting free yoga practice to all the students as per their ability and physical condition in the schools and other education institutions;

(*b*) encouraging yoga practice and creating awareness of the importance of yoga among the school students;

(*c*) ensuring the availability of yoga teacher in all the schools and other education institutions;

(*d*) providing adequate funds for infrastructure development for yoga practice in all the schools and other education institutions;

(*e*) incorporating yoga as compulsory subjects in all the schools and other education institutions;

(*f*) preparing standard and qualitative syllabus for yoga practice as per the age and physical capacity of the students under the guidance of experts and universalisation thereof;

(*g*) providing scholarship and stipend to those students whose performance in yoga has been outstanding;

(*h*) providing weightage to marks obtained in yoga for admission in colleges, universities, and institutions of national importance;

(*i*) according preference to the outstanding sports persons in direct recruitment under the Central and State Government services; and

(*j*) such other provisions, as the Central Government may deem fit and necessary for carrying out the purposes of this Act.

Implementation of National policy.

4. (*1*) It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

(*2*) The appropriate Government shall review the progress and quality of yoga practice being imparted by the schools and other education institutions from time to time, in such manner as may be prescribed.

Act to apply to minority educational institutions in certain situation.

5. Notwithstanding anything contained in this Act, the provisions of this Act shall apply to minority institutions only if the management of such institutions convey to the appropriate Government their willingness to include the yoga practice in their school curriculum.

Penalty.

6. Any school which violates the provisions of this Act shall be liable for punitive action by the appropriate Government, including withdrawal of recognition of the school in such manner and with such conditions, as may be prescribed.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Act to supplement other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Yoga is being practiced in our country since the time immemorial for good health and longevity. It keeps the body and mind healthy and sound and its various *asanas* cure even serious diseases. Now, yoga is not confined to India only but has become international and International Yoga Day is held every year on 21st June throughout the world.

It is, therefore, felt that yoga should be introduced right from childhood to make it a part and parcel of everyone's life so that we can foster confidence and self-esteem in the minds of our upcoming generations in schools and other Education Institutions.

Similarly, various sports activities make us healthy, fit and fine. They are essential for the overall development of people and in particular, the children and youth. Some sports are even very rewarding and outstanding sportspersons of these sports earn enormous wealth in their career. Many international sports events such as Olympics, Commonwealth Games, Asian Games etc. are held from time-to-time and winning in these events brings laurels for the country. Thus, the process of learning sports shall start from the school itself to prepare talents for national and international events.

Our country currently has the largest youth population and majority of them are sports lovers. In fact, there is no dearth of talent in various sports in the country. The only shortcomings are that they seldom get proper resources, training and well equipped infrastructure to sharpen their talent to become international sportspersons.

It is felt that compulsory yoga and sports education in schools and other education institutions will definitely identify talent and make our nation excel in the global sports and competitions, apart from building a fit and healthy nation.

The Bill, therefore, seeks to provide for making sports and yoga education compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence, this Bill.

NEW DELHI;
January 11, 2023.

SUKANTA MAJUMDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a national policy for providing yoga practice and infrastructure development in schools and other education institutions. It also provides for creating awareness of yoga among students, financial assistance for infrastructure development, scholarship and stipends for outstanding students in yoga in schools and other education institutions. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the actual expenditure to be incurred on it. However, it is estimated that a recurring expenditure of rupees one lakh crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore may also be involved for creating various assets throughout the country from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

BILL NO. 87 OF 2023

A Bill further to amend the Rights of Persons with Disabilities Act, 2016.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may becalled the Rights of Persons with Disabilities (Amendment) Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

49 of 2016.

2. In section 2 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as principal Act),—

(*i*) after sub-clause (*e*), the following sub-clause shall be inserted, namely:—

"(*ea*) "clinical psychologist" means a mental health professional with full time Masters Degree in clinical psychology with M.Phil from a recognized university highly specialized training in the diagnosis and psychological treatment of mental, behavioural and emotional illness;".

(*ii*) after sub-clause (*k*), the following sub-clause shall be inserted, namely:—

"(*ka*) "guardian" means guardian, parent or caretaker of a person with a disability;".

(*iii*) after sub-clause (*q*), the following sub-clause shall be inserted, namely:—

"(*qa*) "occupational therapist" means a person trained in a branch of modern medicine which includes the application of purposeful, goal-oriented activity through latest technology for evaluation, diagnosis, and or treatment of persons whose function is impaired by physical illness, injury, emotional disorder, congenital or development disability, or due to aging process, in order to achieve optimum functioning to prevent disability and to maintain health;".

(*iv*) after sub-clause (*v*), the following sub-clause shall be inserted, namely:—

"(*va*) "physiotherapist" means a person trained in a branch of modern medical science which includes examination, assessment, interpretation, physical diagnosis, planning and execution of treatment and advice to any person for the purpose of preventing, correcting, alleviating and limiting dysfunction, acute and chronic bodily malfunction, curing physical disorders or disability, promoting physical fitness, facilitating healing and pain relief and; treatment of physical and psychosomatic disorder through modulating psychological and physical response using exercises, physical agents, activities and devices including mechanical, electrical and thermal agents;".

(*v*) after sub-clause (*za*), the following sub-clauses shall be inserted, namely:—

"(*zaa*) "school nurse" means a professional nurse that practices advancing the well-being, academic success, and life-long achievements of students with minimum qualification of nursing (GNM) or B.Sc Nursing with registration in Nursing Council;

(*zab*) "Special education teacher" means teacher of concerned speciality, with a minimum educational qualification of diploma or B.Ed in ID (MR) for intellectual disabilities with registration on Rehabilitation Council of India (RCI), Diploma or B.Ed in LD for learning disabilities with registration on (RCI), Diploma or B.Ed in MD for multiple disabilities with registration on (RCI), Diploma or B.Ed in ASD for autism spectrum disorder with registration on (RCI) and Diploma or B.Ed in CP for cerebral palsy with registration on (RCI);".

(*vi*) after sub-clause (zc), the following sub-clauses shall be inserted, namely:—

"(*zca*) "speech-language therapist" means a professional of speciality Audiology in speech and language with a minimum educational qualification of BASLP;

(*zcb*) "social worker" means a person whose job is social work with a minimum qualification of Masters in Social Work;".

Insertion of new section 27A.

3. After section 27 of the parent Act, the following new section shall be inserted, namely:—

Establishment of Block Resource Centre.

"27A. (*1*) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes in the areas of clinical psychology, special education, speech and audio language therapy, social work, nursing therapy, physiotherapy in consultation with guardians of the persons with disabilities.

(*2*) The appropriate Government and the local authorities shall, for the aforesaid purpose, establish a Block Resource Centre in every block of every district of the country.

(*3*) For the purpose of Rehabilitation of persons with disabilities the Block Resource Centre shall be authorised to avail the services from the following:—

(*a*) Clinical Psychologist;

(*b*) Special Education teacher;

(*c*) Speech-language therapist;

(*d*) Social worker;

(*e*) School Nurse;

(*f*) Occupational therapist;

(*g*) Physiotherapist.

STATEMENT OF OBJECTS AND REASONS

The Rights of Persons with Disabilities Act, 2016 was enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to which India is a signatory.

It was enacted with a view to make provisions for our children who are differently-abled so that they can get the rights for dual benefits of preventive/ educational aspect and diagnostic/medical aspect.

In view of the constant endeavour to facilitate greater ease of living to such differently-abled persons, it has become necessary to amend certain provisions of the Act. Hence the Bill, namely, the Rights of Persons with Disabilities (Amendment) Bill, 2023 is proposed to be enacted.

The Bill, therefore, seeks to amend the Rights of Persons with Disabilities Act, 2016 with view to provide that—

(*i*) the appropriate Government and the local authorities shall establish a Block Resource Centre in every block of every district of the country;

(*ii*) the appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes in the areas of clinical psychology, special education, speech and audio language therapy, social work, nursing therapy, physiotherapy in consultation with guardians of the persons with disabilities; and

(*iii*) the Block Resource Centre shall be authorised to avail the services from Clinical Psychologist, Special Education teacher, Speech-language therapist, Social worker, School Nurse, Occupational therapist and Physiotherapist.

The Bill seeks to achieve the above objectives.

NEW DELHI;
March 16, 2023.

THOMAS CHAZHIKADAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government and the local authorities shall establish a Block Resource Centre in every block of every district of the country.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees one hundred crore would be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore would also be involved.

BILL NO. 23 OF 2023

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 312.

2. In article 312 of the Constitution, in clause (1), for the words "an all India judicial service" the words "all India Judicial service and all India medical service" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In 2016, the WHO Global Strategy on "Human Resources for Health : workforce 2030" determined that all countries need about 4.45 healthcare personnel (minimum of 1 doctor and 3 nurses) per 1,000 population, to reach the UN's Sustainable Development Goal 3 (Ensure Healthy Lives and Well-being for all at all Ages). Presently there are 13.08 allopathy doctors, 7.8 lakh AYUSH doctors, 34.33 lakh nurses and 13 lakh allied healthcare professionals for 141.133 crore population.

Despite having good number of doctors and nurses, health indicators of India are far below the world averages. In this context, creation of an All India Medical Services along the lines of Indian Administrative Services and Indian Police Services, is essential for effective administration and policy making in healthcare. Administrative staff with medical background can effectively handle health issues and epidemic out breaks, in a scientific way. Government of India's endeavour to increase medical educational institutions is going on at a rapid phase, and at the same time we need to ensure that healthcare administrators are more effective for equitable distribution of healthcare services.

India had an 'Indian Medical Service' in British-ruled India, a military medical service, which was abolished in 1947. Ever since, multiple committees, commissions and reports such as Mudaliar Committee (1959), Kartar Singh Committee (1973), the Administrative Staff College Report (1995) and National Commission on Macroeconomics and Health Report (2005) have recommended the re-introduction of Indian Medical Service. The 15th Finance Commission has also recommended for the establishment of an All India Medical and Health Service. The development of such a service for public health administration was discussed by the parliamentary committee on health, in March 2021. The All India Service Act of 1951 mentions 'The Indian Medical and Health Service' as an All India Service. However, it was never implemented.

Currently, there is no dedicated centralised healthcare body, which can develop infrastructure, monitor healthcare services and take policy decisions. This often leads to improper policy response during health emergencies, as was felt during the COVID-19 pandemic. Given the inter-State disparity in the availability of health resources, the existence of many overlapping healthcare schemes and the need for uniformity in implementation of schemes across, it is essential to constitute an All India Medical Services. With a severe shortage of health administrators in the country, the Indian Medical Service will be able to close the long-standing gap between public health information and decision-making.

Presently, the services of bureaucrats without medical background nor the services of Government doctors without administrative skills, are able to understand the nuances and complexities of healthcare system administration. Creating good administrative officers with medical background, can help the nation to resolve the existing healthcare issues and also be ready to tackle any future pandemics.

To achieve these objective, this Bill seeks to incorporate a new All India Services, namely "Indian Medical Services" along the lines of Indian Administrative Services and Indian Police Services.

Hence this Bill.

NEW DELHI;
December 19, 2022.

SANJEEV KUMAR SINGARI

BILL NO. 12 OF 2023

A Bill to amend the Rights of Persons with Disabilities Act, 2016.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called as the Persons with Disabilities (Amendment) Act, 2023.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the principal Act), for clause (*za*), the following clause shall be substituted, namely:—

"(*za*) "rehabilitation" refers to a process aimed at enabling and empowering persons with disabilities to attain and maintain an optimal level of physical, sensory, intellectual, psychological, environmental and social function levels, according to World Health Organisation standards and in alignment with the right to an adequate standard of living as enshrined in the Constitution of India.".

Amendment of section 7.

3. In section 7 of the principal Act,—

(*a*) in sub-section (*1*), after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) establish District Disability Rehabilitation Centres for rehabilitation persons with disabilities who have been subjected to abuse, violence and exploitation;";

(*b*) in sub-section (*4*), for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) the particulars of the nearest District Disability Rehabilitation Centre established under clause (*aa*) of sub-section (*1*) working for the rehabilitation of persons with disabilities.".

Amendment of section 27.

4. In sub-section (*2*) of section 27 of the principal Act, for the words "non-Governmental Organisations" the words "District Disabilities Rehabilitation Centre and non-Governmental Organisations" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

To safeguard the rights and well-being of people with disabilities, the Rights of Persons with Disabilities Act, 2016, was passed. The Act was a significant piece of legislation in India's history in safeguarding the rights of those who were specially abled.

According to the 2011 census, 2.68 crore, *i.e.*, over 2.2 per cent. of the Indian population live with certain mental or physical disabilities. However, the objective of guaranteeing a holistic growth through social and educational advancement, welfare, protection and empowerment for specially abled persons has yet not been achieved comprehensively across the country.

The principal act gives responsibility to the appropriate government and local authorities for implementing services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities. However, the act does not mandate responsibility to the appropriate Governments for establishing District Disability Rehabilitation Centers. Thus, the amendment proposes to establish these centres based on the recommendations of the parliamentary standing committee on the "Assessment of Scheme for Implementation of the Rights of Persons with Disabilities Act, 2016 (SIPDA)". Thus, through this amendment we propose mandating establishment of District Disability Rehabilitation Centres (DDRC) in every district for physical and mental disabilities.

Along the same lines it is only valid to make the definition of Rehabilitation, in the Act, more holistic and in accordance with World Health Organisation (WHO) standards, which is defined as "a set of interventions designed to optimize functioning and reduce disability in individuals with health condition sin in teraction with their environment", based on international standards.

Hence, this Bill.

NEW DELHI;
December 19, 2022

SANJEEV KUMAR SINGARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of District Disability Rehabilitation Centre by the appropriate Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees Ten Crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Twenty Crores is also likely to be involved.

BILL NO. 58 OF 2023

A Bill to ensure protection and welfare mechanisms for the handloom weavers and workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Handloom Weavers and Workers (Welfare) Authority Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Authority" means the National Handloom Weavers and Workers Welfare Authority constituted under section 3;

(*b*) "Committee" means Local Committee for Handloom Weavers constituted by the Authority at local levels under section 5;

(*c*) " Fund" means National Handloom Weavers and Workers Welfare Fund constituted by the Authority under section 6;

(*d*) "handloom" means any loom used for the production of cloth that is operated fully or partly manually as defined in clause (g) of section 2 of the Factories Act, 1948; 63 of 1948.

(*e*) "prescribed" means prescribed by the rules made under this Act;

(*f*) "weaver" means a person engaged in the production of cloth on a handloom and includes a person who owns, works or operates on handloom for the production of cloth; and

(*g*) "worker" means a worker engaged in a handloom by a weaver and who earns wages on a regular or any other basis by working in a handloom.

Constitution of the National Handloom Weavers and Workers Welfare Authority.

3. (*1*) The Central Government shall by notification in the Official Gazette, constitute an Authority to be known as the National Handloom Weavers and Workers Welfare Authority for carrying out the purposes of this Act.

(*2*) The headquarters of this Authority shall be at Hyderabad which is the common capital of States of Andhra Pradesh and Telangana.

(*3*) The Authority shall consist of—

(*a*) a Chairperson, committed to the causes of weavers or has adequate knowledge and professional experience in the handloom sector;

(*b*) a Deputy Chairperson with such qualification, as may be prescribed;

(*c*) five members to represent the Union Ministry of Finance, Labour and Employment, Skill Development and Entrepreneurship, Social Justice and Empowerment and Textiles;

(*d*) three members from the Parliament, of whom two shall be from Lok Sabha and one shall be from Rajya Sabha, to be nominated by the Presiding Officer of the respective Houses;

(*e*) five members to be nominated by the Central Government who represent the handloom weavers, provided that at least one Member shall be each from amongst persons belonging to the Scheduled Castes and Scheduled Tribes and women, respectively.

Term of Office and conditions of Members.

4. (*1*) The Chairperson and every Member shall hold office for such period, not exceeding five years, as may be specified by the Central Government in this regard;

(*2*) The Chairperson or Member may, by writing and addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of the Member at any time;

(*3*) The Central Government shall remove a person from the office of Chairperson or a Member if that person—

(*a*) becomes an undischarged insolvent;

(*b*) gets convicted or sentenced to imprisonment for an offense which in the opinion of the Authority involves moral turpitude;

(*c*) becomes of unsound mind and stands so declared by a competent court;

(*d*) in the opinion of the Authority has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest.

(*4*) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the Authority shall be such as may be prescribed.

Functions of the Authority.

5. (*1*) The Authority shall, in consideration and coordination with the State Governments, as it may deem necessary for carrying out the purposes of this Act, appoint committee at the local level as may be prescribed, to be known as the Local Committee for Handloom Weavers.

(*2*) The Authority shall in coordination with Local Committees and State Governments take, steps for the overall welfare of weavers and handloom workers including, raising their standard of living, removal of poverty and indebtedness, ensuring their social security, making easy availability of raw materials at an affordable price and encouraging market for the handloom sector.

(*3*) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(*a*) formulate and implement welfare policy for the handloom weavers and workers;

(*b*) formulate and implement grievance redressal mechanisms for the handloom weavers and workers;

(*c*) maintain a district-wise register of handlooms, handloom weavers and workers with such particulars and in such manner as may be prescribed;

(*d*) regulate the service conditions of workers including fixing of minimum wages in such manner as may be prescribed;

(*e*) ensure modernization of old handlooms;

(*f*) encourage and provide all necessary assistance to handloom weavers cooperatives;

(*g*) organize exhibitions, meals, and such other activities to promote handloom sector in different parts of the country;

(*h*) develop and regulate four dedicated markets in each State for hand-loom articles, in consultation with the State Government of the respective States;

(*i*) make suitable arrangements for the purchase of handloom cloth by Government agencies on a cash and carry basis;

(*j*) encourage export of handloom cloth and handloom garments; and

(*k*) perform such other functions as may be assigned to it by the Central Government from time to time.

Constitution of the Handloom Weavers and Workers Welfare Fund.

6. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Handloom Weavers and Workers Welfare Fund.

(*2*) The Central Government and the State Governments shall contribute to the Fund in such a ratio as may be prescribed.

(*3*) There shall also be credited to the Fund such other sums as may be received by way of donations, contributions, assistance, or otherwise from individuals and organizations.

Utilisation of Fund.

7. The Funds shall be utilized for the following purposes,—

(*a*) providing minimum unemployment allowance to handloom workers from time to time;

(*b*) providing respectable pension for handloom workers above the age of 55 years;

(*c*) providing interest-free loans to handloom weavers and workers;

(*d*) making ex-gratia payments at prescribed rates to each of the bereaved families of handloom weavers who die in harness;

(*e*) providing loans at a nominal rate of interest for purchasing cotton yarn and other necessary raw materials to the handloom weavers;

(*f*) providing an annual assistance of twenty-four thousand rupees to the families of weavers who own handloom to modernize their equipment;

(*g*) providing special assistance to women weavers to set up small-scale handloom workshops;

(*h*) providing healthcare facilities to the handloom weavers and workers and their dependent family members;

(*i*) providing educational facilities and vocational training to the wards of weavers and workers; and

(*j*) such other welfare measures as may be prescribed.

Annual Report.

8. (*1*) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(*2*) The Central Government shall cause the report submitted to it under sub-section (1) to be laid before each House of Parliament.

Power to remove difficulties.

9. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Act not in derogation of any other law in force.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in respect of any of the matters provided under this Act.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Handloom Sector is one of the largest unorganized economic activities after agriculture and constitutes an integral part of rural and semi-rural livelihood. Handloom weaving constitutes one of the richest and most vibrant aspects of our country's cultural heritage. Indian handloom artists are globally known for their unique hand-spinning, weaving, and printing style. In the financial year 2021-22, Indian exported handloom accounted for worth Rs. 1,693 crores. It not just contributes to the country's economy but has also been the backbone of the rural population involved in the handloom sector. According to the Handloom Census 2019-20, the industry employs about 3,522,512 handloom workers across the country.

Despite the aforementioned, the sector today faces many challenges. One of the most concerning challenges among them is the lack of social security for handloom weavers. Long working hours and complex work accompanied by low wages have pushed new generations of handloom weavers to look for different avenues of employment. Such decisions are motivated by the exploitative nature of work and non-profitable labour of procuring yarn and weaving for which handloom weavers sometimes take loans and get stuck in the cycle of debt. The overall number of weavers decreased by 19 per cent. from 43.31 lakh in 2009-10 to 35.25 lakh in 2019-20. Moreover, the Handlooms (Reservation of Articles for Production) Act, 1985 focuses on the preservation of handloom articles with blurring attention being given to securing the interest of the weavers, especially the women workers who constitute 72.29 per cent. of the total handloom workers whose future are insecure.

Furthermore, less visibility of handloom products in the market has also added to the problems of workers. Most handlooms enjoy prominence only in their locality and people elsewhere are unaware of the existence of many other varieties. The reason behind this is poor marketing and the industry's inability to adopt current marketing techniques. Promoting export of such products needs dedicated funds from the Government to market products. Despite this Government allocations for handloom in national and State budgets are being reduced and reversed.

The Bill, therefore, will strive to enact for the interest of handloom weavers by establishing an authority that will look after the welfare of the workers. The proposed authority would do so by undertaking the functions prescribed above and by establishing local welfare committees and dedicated welfare funds for the handloom weavers. The authority will also set up a mechanism to address the grievances and long-pending demands of the weavers. Such an initiative would encourage and empower the handloom sector to flourish in the domestic and global markets.

Hence this Bill.

NEW DELHI;
January 19, 2023.

SANJEEV KUMAR SINGARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute the National Handloom Weavers and Workers Welfare Authority. Clause 5 provides for certain steps to be taken by the authority for the welfare of the handloom weavers and workers. Clause 5 also provides for the constitution of the local committee for handloom weavers. Clause 6 seeks to constitute the National Handloom weavers fund.

This Bill, if enacted, will involve expenditure from the consolidated fund of India. It is estimated that a recurring expenditure of rupees ten crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees fifty crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 98 OF 2023

A Bill to prohibit violence against healthcare service providers, patients, and their attendants and to prevent damage or loss to property in healthcare service facilities and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER-I

PRELIMINARY

Short title, extent, application and commencement.

1. (*1*) This Act may be called the Healthcare Service Providers and Facilities (Prevention of Violence and Damage to Property) Act, 2023.

(*2*) It shall extend to the whole of India.

(*3*) It applies to clinical establishments defined and registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or under any State Act for the time being in force. 23 of 2010.

(*4*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.

(*b*) "arms" means arms as defined in clause (c) of section 2 of the Arms Act, 1959; 54 of 1959.

(*c*) "damage" includes loss or harm to property, whether in whole or in part, with or without taking possession of the property that renders it inadequate for its designated purpose or wholly or partially incapable of performing its function;

(*d*) "healthcare services" means the administrative, curative, rehabilitative, preventive, promotive, and supportive services for the control of diseases, injuries, or disabilities as well as measures ensuring the health of persons and include activities that ensure or provide support or access for persons in need of these healthcare services or activities such as searching for, collecting, treating or transporting persons in need of healthcare or the administration of healthcare service facilities;

(*e*) "healthcare service facilities" include healthcare centres, hospitals, healthcare teaching facilities, diagnostic centres, blood banks, medical clinics, nursing homes, maternity homes, dental clinics, all registered alternative medicine healthcare facilities, physiotherapy clinics, medical camps, first-aid posts, or any other premises or conveyance that is wholly or partly used for providing healthcare services in the public and private sectors;

(*f*) "healthcare service providers" in relation to a healthcare service facility means the administrative, clinical, support, and auxiliary staff including students in healthcare, and includes the following—

(*i*) registered medical and dental or alternative medicine practitioners including those having provisional registration;

(*ii*) registered nurses;

(*iii*) medical students;

(*iv*) nursing students;

(*v*) paramedics;

(*vi*) all registered alternative medicine's practitioners

(*vii*) paramedical students;

(*viii*) pharmacists;

(*ix*) Lady Health Workers;

(*x*) polio workers;

(*xi*) volunteers;

(*xii*) management staff; and

(*xiii*) non-clinical staff;

(*g*) "mental anguish" means extreme pain, distress of mind, severe misery or mental suffering;

(*h*) "mental illness" means a mental illness as defined in clause (s) of section 2 the Mental Healthcare Act, 2017; 10 of 2017.

(*i*) "obstruction" means any act that hinders the provision of healthcare services;

(*j*) "patient" means any recipient of healthcare services;

(*k*) "prescribed" means prescribed rules made under this Act;

(*l*) "property" means any property, movable or immovable in possession of or under the control of any healthcare service facility or healthcare service provider in relation to his professional duty;

(*m*) "relevant authority" means a competent authority in relation to healthcare services facilitates or healthcare services providers as provided in any other laws, rules, and regulations of the State Government, as the case may be; and

(*n*) "violence" means and includes harassment, provocation, or use of force against a person, group or community, or healthcare service facility which results in mental anguish, physical injury, or death to the healthcare service providers or beneficiary of healthcare services, or results in interruption of healthcare services provision or damage to such property and shall not include—

(*i*) collateral or defensive violence, if any, caused by the law; and

(*ii*) enforcing agencies or security personnel of the healthcare service facility on duty.

CHAPTER-II

OFFENCES AND PENALTIES

Prohibition of violence.

3. No person shall use violence against a healthcare service provider, patient or his attendants, or any other person within a healthcare service facility.

Punishment.

4. (*1*) Whoever contravenes the provisions of section 3, shall be punished under the relevant provisions of the Indian Penal Code, 1860. 45 of 1860.

(*2*) Where an act, in contravention of section 3, causes bodily injury or death or which in the ordinary course of nature is likely to cause injury or death, such person shall be liable to punishment under the relevant provisions of the Indian Penal Code, 1860: 45 of 1860.

Provided that in case of injury to a healthcare service provider or to the patient or his attendant, as the case may be, in addition to the punishment specified above, the accused shall also be liable to pay compensation to such healthcare service provider, patient, or his attendant, as the case may be, in such manner as may be prescribed.

Institutional Mediation and Settlement.

5. (*1*) If an act, in violation of section 3, causes mental anguish without causing any bodily injury or harm to a healthcare service provider, patient, or his attendants, as the case may be, the person to whom mental anguish has been caused may apply for mediation and settlement with the person or persons causing such mental anguish in such manner and procedure as may be prescribed.

(*2*) The Central Government may, by notification, authorize the Authorities constituted under the Legal Services Authorities Act, 1987, for the purposes of institution mediation under this Act. 39 of 1987.

(*3*) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorized by the Central Government under sub-section (*2*) shall complete the process of mediation within a period of three months from the date of application made by the plaintiff under sub-section (*1*): 39 of 1987.

Provided that the period of mediation may be extended for a further period of two months with the consent of the parties:

Provided further that, the period during which the parties remained occupied with the institution mediation, such period shall not be computed for the purpose of limitation under the Limitation Act, 1963. 36 of 1963.

(*4*) If the parties arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator.

(*5*) The settlement arrived at under this section shall have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act, 1996: 26 of 1996.

Provided that if the parties fail to arrive at a settlement for any reason, section 4 of the Act shall be applied.

Prohibition of damage to Property.

6. No person shall cause damage or loss to property owned by or under the care of healthcare service providers or healthcare facilities in connection with or incidental to their activities in healthcare service facilities.

Penalty for contravention of section 6.

7. Whoever contravenes the provisions of section 6, shall be punished with—

(*a*) imprisonment for a term which may extend upto three years or with a fine equivalent to double the market value of the property damaged or lost at the time of the commission of the offence or with both, if an act causes irreparable wrongful damage or loss to the property having value equivalent to or exceeding one lakh rupees; or

(*b*) imprisonment for a term which may extend upto one year or with a fine equal to double the cost of repairing the damaged property including the cost of deprivation of healthcare services to the public or with both, if an act causes reparable wrongful damage or loss to property the value of which is equivalent to or exceeding one lakh rupees; or

(*c*) imprisonment for a term which may extend upto one month or with the fine or with both, if an act which causes wrongful damage or loss to property having value less than one lakh rupees:

Provided that where loss to property constitutes other offences to property, it shall be dealt with under the relevant provisions of the Indian Penal Code, 1860. 45 of 1860.

Prohibition of obstruction or disruption of healthcare service.

8. No person shall cause disruption or obstruction of healthcare services in a healthcare facility.

Penalty for contravention of section 8.

9. Whoever contravenes the provisions of section 8 shall be punished with—

(*a*) imprisonment for a term which may extend upto three years or with fine which may extend to three lakh rupees but shall not be less than fifty thousand rupees or with both, if an act causes obstruction of healthcare services; or

(*b*) imprisonment for a term which may extend upto one year or with fine which may extend to one lakh rupees but shall not be less than fifty thousand rupees or with both, if an act which in the ordinary course of nature is likely to cause interruption in the provision of healthcare services.

Prohibition of carrying weapons into a healthcare facility.

10. No person shall keep, carry or display arms of any kind, including licensed weapons, within the premises of a healthcare service facility:

Provided that the provisions of this section shall not apply to the carrying of arms officially allowed for security purposes to the law enforcing agencies or security personnel of a healthcare service facility on duty.

Penalty for contravention of section 10.

11. Whoever contravenes the provisions of section 10 shall be punished with imprisonment for a term which may extend upto six months but shall not be less than one month or with a fine which may extend to three lakh rupees but shall not be less than fifty thousand rupees or with both.

Refusal to treatment.

12. Any registered medical and dental or alternative medicine practitioners, including those having provisional registration in a healthcare facility, are of the opinion that any person is imminent to act in contravention of the provisions of this act may document, report the behaviour, and refuse to treat the patient:

Provided that if the person suffers from a fatal or life-threatening disease or is in dire need of immediate medical assistance, the provision of this section shall not be applicable on such person.

Refusal to treat on malicious grounds.

13. If the registered medical and dental or alternative medicine practitioners, including those having provisional registration, refuses to treat someone for any reason which is not medically justified, which includes but are not limited to race, gender, caste, religion, sexual orientation, disability, and income, and fail to provide a reasonable cause for refusal to treatment, the license of such registered medical and dental or alternative medicine practitioners shall be suspended for a minimum period of two years.

Punishment for False charge.

14. Where it is proved at any stage that no violation of the provisions of this Act was committed and the charge levied against the accused was false and malicious, the person levelling such false charge shall be prosecuted under the relevant provisions of the Indian Penal Code, 1860.

45 of 1860.

CHAPTER-III

RESPONSIBLITIES

Responsibilities of healthcare service facilities and healthcare service providers.

15. (*1*) In addition to any other responsibility of a healthcare service facility or a healthcare service provider under any law for the time being in force, it shall be the responsibility of each healthcare service facility to,—

(*a*) ensure that the healthcare service providers explain the procedures of treatment before and during the treatment to the complete understanding of the patients or their designated attendants in a presentable and comprehensible manner;

(*b*) furnish in writing, the complete information about medical treatment provided by such healthcare service facility, to the patients or his designated attendants who seek treatment in the said facility in a presentable and comprehensible manner;

(*c*) safeguard patient confidentiality and to maintain the highest standards of ethical conduct and not discriminate amongst patients except on the basis of medical need, and to provide emergency care as a humanitarian duty;

(*d*) provide a copy of the whole or part of the patient's information sheet or medical record on demand to the patient concerned or his designated attendant.

(*e*) ensure that the healthcare service providers adhere to the responsibilities specified in clause (*a*), (*b*), (*c*) and (*d*) or in any other law for the time being in force and also to address complaints of any violation in respect of the same, followed by appropriate action against the concerned healthcare service provider or the concerned person in the healthcare service facility, as the case may be, by the relevant authority.

Explanation:— For the purposes of this section "appropriate action" means disciplinary action, suspension, cancellation or revocation of license for medical practice,

profession, sealing of the healthcare facility or any other suitable action prescribed in laws, rules, regulations and standard operating procedures of the State Government, as the case may be.

CHAPTER-IV

MISCELLANEOUS

Spot Inspection by officers.

16. (*1*) Whenever the Sub-Divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of Sub-Inspector of Police receives information from any person or upon his own knowledge that an offence has been committed in contravention of this act within his jurisdiction, he shall immediately himself visit the place of occurrence to assess the extent of violence, obstruction, loss and damage to the property and submit a report forthwith to the appropriate Government.

(*2*) The Sub-Divisional Magistrate or any other Executive Magistrate and any police officer not below the rank of Sub-Inspector of Police after inspecting the place or area shall, on the spot,—

(*i*) draw a list of victim healthcare provider(s) or healthcare facilities or patient(s) or attendant(s);

(*ii*) prepare a detailed report on the extent of violence, obstruction, loss, and damage to the property of victim(s), which may be categorized in the following form:—

(*a*) Category A—Abusive language; minor scuffle

(*b*) Category B—Verbal threat to life, property or family; obstruction of emergency vehicle leading to interference with healthcare services

(*c*) Category C—Acts that cause damage to property; damage to medical equipment

(*d*) Category D—Threat or actual use of criminal force; armed interference in performance of duties; armed assault; theft of medical equipment or medical transport

(*e*) Category E—Threat or actual use of explosive device.

(*iii*) take effective and necessary steps to provide protection to the witnesses and other healthcare providers at the healthcare facility.

Setting up Health Committee.

17. (*1*) The appropriate Government shall set up Health Committee under the charge of the concerned Health Secretary and depute an Additional Director General of Police for carrying out the functioning assigned to it under this Act.

(*2*) The Health Committees set up under sub-section (*1*) shall,—

(*a*) conduct survey of the identified healthcare facilities where violence, obstruction, loss, or damage to the property has taken place;

(*b*) make inquiries about the investigation and spot inspections conducted by various officers;

(*c*) inform the nodal officer about the law and order situation in the identified healthcare facilities;

(*d*) make enquiries about the wilful negligence by a public servant;

(*e*) create awareness about mental health and illness and reducing the stigma associated with mental illness among healthcare providers;

(*f*) encourage healthcare providers to seek support and care for their mental health, to help such providers identify risk factors associated with suicide and mental

health conditions, and to help such providers learn to respond to such risks, with the goal of preventing suicide and mental health conditions under the Mental Healthcare Act, 2017;

10 of 2017.

(*g*) set up peer support groups among healthcare providers and provide mental healthcare and follow-up services, as appropriate;

(*h*) conduct a review on improving healthcare providers' mental health and the outcomes of programs authorized under this Act;

(*i*) conduct awareness campaigns advocating the provisions of this act and further help in the deterrence of the same;

(*j*) review the position of cases registered under the Act; and

(*k*) submit a monthly report on or before the 20th day of each subsequent month to the State Government/nodal officer about the action taken and proposed to be taken in respect of the above.

Nomination of Nodal Officer.

18. (*1*) The appropriate Government shall nominate a nodal officer to coordinate the functioning of the Executive Magistrates and authorized police officers or other officers authorized by them, investigating officers, and other officers responsible for implementing the provisions of the Act.

(*2*) The nodal officer shall by the end of every quarter review,—

(*i*) the reports received by the appropriate Government under section 16;

(*ii*) the position of cases registered under the Act; and

(*iii*) various kinds of measures adopted for providing immediate relief in cash or kind or both to the healthcare provider(s) or healthcare facilities.

Application of other laws not barred.

19. The provisions of this Act, except as otherwise expressly provided, shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Cognizance of offence.

20. No court other than Magistrate of the First Class shall try an offence, punishable under this Act on the report of a Police Officer not below the rank of a sub-inspector.

Application of the Code of Criminal Procedure, 1973.

2 of 1974.

21. The provisions of the Code of Criminal Procedure, 1973, shall mutatis mutandis apply to the procedural matters including trials and bails under this Act.

Power to make rules.

22. (*1*) The Central Government may, by notification in the Official Gazette, make rules for the purposes of carrying out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Healthcare Service Providers and Facilities (Prevention of Violence and Damage to Property) Bill, 2023 is an essential piece of legislation aimed at safeguarding the well-being of healthcare professionals, patients, and healthcare facilities. The primary purpose of this bill is to address the rising incidents of violence and damage to property that healthcare service providers and facilities are facing and to provide them with adequate protection and support. The Supreme Court, in Indian Medical Association v. Union of India, took cognizance of this issue and directed the Central Government to issue guidelines to protect doctors and healthcare workers from violence. The Court has also directed the State Governments to implement these guidelines and to take strict action against those who violate them.

According to the Indian Medical Association, over 75 per cent of healthcare providers in India have faced violence at some point in their careers. Furthermore, a survey conducted by the Ministry of Health and Family Welfare revealed that 45 per cent of healthcare facilities in the country have experienced some form of violence, ranging from verbal abuse to physical assaults. These statistics reflect the gravity of the situation and underscore the importance of this Bill. This Bill seeks to address these challenges by establishing comprehensive prevention, intervention, and accountability measures. The existing laws provide recourse to criminal litigation alone— a process most healthcare providers are reluctant to initiate. This Bill mandates arbitration as the first recourse in cases of minor offenses under the act, which would offer a much simpler and faster means of resolution and not burden the court at the same time. By implementing strict measures to prevent violence and damage to property within healthcare facilities, the Bill aims to create an atmosphere conducive to quality healthcare delivery. This includes the establishment of State Health Committees to deter potential acts of violence and collecting comprehensive data as well.

Furthermore, the Bill recognizes the importance of supporting healthcare professionals who have been victims of violence or damage to property. It proposes measures to ensure adequate psychological support and counseling for affected individuals. By addressing the aftermath of such incidents, the Bill acknowledges the importance of supporting the well being and recovery of healthcare professionals, thus promoting retention and job satisfaction within the sector.

By creating a framework that prevents violence, supports victims, and holds offenders accountable, this Bill not only enhances the quality of healthcare services but also protects the fundamental rights and safety of those working in the healthcare sector. It is a necessary step toward building a society where healthcare providers can perform their duties without fear, and patients can receive the care they need in a secure environment.

Hence this Bill.

NEW DELHI ;
July 03, 2023.

MOHAMMAD JAWED

FINANCIAL MEMORANDUM

Clause 17 of the Bill provides for setting up Health Committee by the appropriate Government for carrying out purposes of this Act. It further provides for conduct survey of the identified healthcare facilities where violence, obstruction, loss, or damage to the property has taken place and for creating awareness about mental health and illness and reducing the stigma associated with mental illness among healthcare providers by the Committee. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees seven hundred crore per annum.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 33 OF 2023

A Bill to establish an Urban Areas (Development and Regulation) Committee to ensure regulation and development of urban areas in the country and for all matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Urban Areas (Development and Regulation) Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the State Government of that State and in all other cases, the Central Government;

(*b*) "Committee" means the Urban Areas (Development and Regulation) Committee established under section 3;

(*c*) "Municipality" means an institution of Self-Government constituted under article 243Q of the Constitution;

(*d*) "prescribed" means prescribed by rules made under this Act; and

(*e*) "urban areas" means the territorial areas of a Municipality as is notified by the Government under article 243Q of the Constitution.

Establishment of Urban Areas (Development and Regulation) Committee.

3. (*1*) The Central Government shall, by notification in the Official Gazette, establish a Committee to be known as the Urban Areas (Development and Regulation) Committee for carrying out the purpose of this Act.

(*2*) The Committee shall consist of—

(*a*) the Prime Minister of India who shall be the *ex—officio* Chairperson of the Committee;

(*b*) the Union Minister of Housing and Urban Affairs—*ex-officio* member;

(*c*) one member of Parliament each from the House of the People and the Council of States to be nominated by presiding officers of the Houses concerned—*ex-officio* Member;

(*d*) a representative of NITI Aayog to be appointed by the Central Government in such manner as may be prescribed—*ex-officio* Member;

(*e*) a representative from Indian Administrative Services to be appointed by the Central Government in such manner as may be prescribed who shall be the Member-Secretary to the Committee; and

(*f*) one senior architect engineer to be appointed by the Central Government in such manner as may be prescribed—Member.

(*3*) The salary, allowances and terms of conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

(*4*) The Committee shall meet at least twice in a month:

Provided that the Committee shall meet at such time as the Chairperson deems fit.

(*5*) The Union Ministry of Housing and Urban Affairs shall provide secretarial assistance to the Committee.

Functions of the Committee.

4. The Committee shall recommend the State Governments to,—

(*a*) ensure availability of means for the development and regulation of urban areas under this jurisdiction;

(*b*) impart modern training in techniques of urban development to the institutions and persons involved in the regulation and development of urban areas;

(*c*) the method for financing the development of urban areas and to ensure that seventy five per cent. of the expenditure shall be borne by the Central Government and rest of the twenty-five per cent. by the State Government;

(*d*) put an obligation of the District Magistrate concerned to ensure appropriate development and regulation of urban areas under his jurisdiction;

(*e*) establish durable, strong and inclusive infrastructure required for development and regulation of urban areas in the country;

(*f*) establish natural land cover including parks and playgrounds in the urban areas in the country;

(*g*) ensure availability of safe housing, clean water, water management, healthcare facilities and appropriate educational facilities in the urban areas of the country;

(*h*) ensure complete ban on encroachment upon lakes, wet lands and rivers;

(*i*) establish balance between supply and demand of public transport facilities in the urban areas;

(*j*) ensure availability of electric buses, establish bus corridor and bus rapid transit system for promoting green mobility in the urban areas;

(*k*) promote e-participation of urban local bodies in development and regulation of urban area under their jurisdiction;

(*l*) establish satellite cities along with metropolitan cities to make a balance between population and resources; and

(*m*) undertake such other measures as are required for regulation and development for urban areas.

Annual report.

5. (*1*) The Committee shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and it shall contain statements of annual accounts of the Authority.

(*2*) A copy of the report shall be forwarded to the Central Government, and the Central Government shall lay the report before each House of Parliament as soon as it is received.

Central Government to provide funds.

6. The Central Government, shall from time to time provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to remove difficulty.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Provided that no such order shall be made after expiry of three years from the date of commencement of this Act.

Power to make rules.

8. (*1*) The Central Government may, in consultation with the State Governments, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section, shall be laid, as soon as may be after it is made, before the Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Parliament makes any modification in the rule or decides that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India's biggest tragedy after independence is the migration of about fifty crore people from their ancestral homes, villages. Studying the changes in this socio-economic structure reveals that almost one-third of the country's population (about 31.16 per cent.) is now living in cities. Census data of 2011 shows that the number of people leaving the villages and migrating to the cities is increasing continuously and now thirty-seven crore and seventy lakh people live in the cities. Comparing the figures of 2001 and 2011 census, it is found that during this period the population of cities increased by nine crore and ten lakh, whereas the population of villages increased by only nine crore and five lakh.

The population of villages in the country is still about 68.84 crores, that is, two-thirds of the total population of the country, but the contribution of agriculture in the country's GDP has been continuously decreasing to only fifteen per cent. There is a decline in the standard of living in villages, lack of education, health, basic facilities, lack of employment, so people from there are coming to the cities in search of a better life. As a result, all other big cities including the metropolitan cities of the country have turned into slums. Out of a total of 7.89 crore families living in cities across the country, 1.37 crore families live in slums.

Urbanization should be seen as an opportunity and urban centres as engines of growth. Urban and rural development in the country should complement each other. If we analyse from the point of view of development in the field of urbanization in different States of India, it would be found that the amount and speed of urbanization in different States are not the same. For urbanization and development to go on the same track, there should be people-centric urban development, which can weave the fabric of such cities, which shall be built according to the required global standards. A city that is two steps ahead of people's aspirations...a city built on global best practices...a city that integrates technology, transportation, energy efficiency, proximity to work, etc. A city in which all urban development plans are taken forward with people's participation.

As per a United Nations Report, globally, a total of 31 such cities are home to an estimated 5 crore people. This is 6.8 per cent. of the world's total population. By the year 2030, the number of mega cities shall increase to 41 and their population shall be 7.3 crore, which would be 8.7 per cent. of the population of the entire world. The administrative boundaries of the cities have not been relied upon in this report. instead of this, priority has been given to use the concept of growing urban area. The report reveals that only people from urban areas live in these mega cities. About 21 per cent. of the world's people live in these, whose population is between 50 thousand and one crore. By the year 2030, 60 per cent. of the world's population shall live in small and big cities, which is currently 54 per cent. Most developing cities in Asia and Africa are seeing population growth, and by 2030, 33 of the 41 mega cities shall be in third world countries.

According to this report by the United Nations Department of Economics and Social Affairs, by the year 2030, India shall have seven mega cities, each with a population of 96 lakh. Among these seven, Delhi shall be second in terms of population.

The World Cities Report, 2016 states that at present, the country has five (Delhi, Mumbai, Kolkata, Bangalore and Chennai) mega cities, each with a population of more than one crore. Hyderabad and Ahmedabad shall also join them by the year 2030.

The need is to create development centres across the country instead of adopting foreign models for urbanization. Inequality and imbalance shall increase further by adopting foreign models. Uneven and imbalanced urbanization is not correct considering the diversity of India. We cannot replicate in India what China has done, development in China has been more in the coastal areas, while other areas are still lagging behind.

In view of the above, the present Bill is very important so that the people of the urban areas of India may be able to live in conditions suitable for humans.

Hence this Bill.

NEW DELHI;
January 20, 2023.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of an Urban Areas (Development and Regulation) Committee. It also provides for appointment of senior architect engineer to the Committee. Clause 6 provides for the Central Government to provide funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 47 OF 2023

A Bill to provide for the establishment of Fake News on Social Media Regulatory Authority to prohibit fake news on social media and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:-

Short title and commencement.

1. (*1*) This Act may be called the Prohibition of Fake News on Social Media Act, 2023.

(*2*) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "authority" means the Fake News on Social Media Regulatory Authority established under section 4;

(*b*) "fake news" includes the following or combinations thereof:—

(*i*) misquotation or the false and/or inaccurate report of one's statement;

(*ii*) editing audio or video which results in the distortion of facts and/or the context; or

(*iii*) purely fabricated content.

(*c*) "prescribed" means prescribed by rules made under this Act.

(*d*) "social media platform" means any user-specific web-based technology intended to create virtual connection through the internet such as social networking sites, blog sites, video-sharing sites and the like; and

(*e*) "social media user" includes any person or group of persons, natural or juridical, organized or unorganized, that utilizes social media platforms to send messages and/or information across through any social media account, verified or under a pseudonym, fictitious or false account/page name for whatever purposes it may serve.

Prohibition on Fake News on Social Media.

3. The Central Government shall ensure a complete prohibition on fake news on social media platform.

Constitution of Fake News on Social Media Regulatory Authority.

4. (*1*) The Central Government shall, by notification in the official Gazette, constitute an Authority to be known as the Fake News on Social Media Regulatory Authority for carrying out the purpose of this Act.

(*2*) The Authority shall consist of,—

(*a*) the Union Minister of Information and Broadcasting-*ex-officio* Chairperson;

(*b*) one member each from the House of the People and the Council of States to be nominated by the presiding officers of the Houses concerned;

(*c*) two representatives from social media platform to be appointed by the Central Government in such manner as may be prescribed - as member; and

(*d*) one Indian Administrative Service Officer who shall be the Secretary to the Authority.

(*3*) The Authority shall meet at least twice in a month:

Provided that the Authority may meet at such time as the Chairperson may deem fit.

(*4*) The Union Ministry of Information and Broadcasting shall provide secretarial assistance to the Authority.

(*5*) The Salary and allowances payable to and other terms and conditions of services of members appointed under clause (*c*) of sub-section (*2*) shall be such as may be prescribed.

Functions of Authority.

5. The Authority shall,—

(*a*) ensure complete ban on promotion and spread of fake news on the social media platform;

(*b*) ensure prohibition on the posting of contents which are abusive and obscene including anti-feminism and insult to the dignity of the female on the social media platform;

(*c*) prohibit publication of content amounting to disrespect of *Sanatan* symbols and beliefs on the social media platform;

(*d*) prohibit publication of content promoting superstition on the social media platform;

(*e*) ensure that only those contents are posted on the social media platform which are based on authentic research on the subjects related to science, history, religion, philosophy, literature; and

(*f*) ensure that appropriate punitive action in accordance with the provision of Indian Penal Code, 1860 is taken on the person posting fake news on the social media platform.

Penalties.

6. Any social media users, if found guilty by the Authority for posting fake news on the social media platform shall be punished with imprisonment which may extend upto seven years and fine which may extend upto rupees ten lakhs or with both.

Offences by companies.

7. (*1*) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(*2*) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance, of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—for the purpose of this section:—

(*i*) "company" means any body corporate and include a firm or other association of individuals; and

(*ii*) "director" in relation to a firm, means a partner in the firm.

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after expiry of the period of three years from the date of commencement of this Act.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Social media is made up of two main words, the word Social means the *information shared* by people and the word Media means the *means of sharing information* like WhatsApp, Facebook, YouTube, Instagram, Pinterest, Twitter , Linkedin , Snapchat etc.

India is a vast market for social media companies. India has sixty crore WhatsApp users. At the same time, 240 million Indians are using Facebook while 45 million Indians are using Twitter accounts. In India, WhatsApp has become the major platform for the exchange of true as well as false news. But compared to Twitter, WhatsApp is a private messaging service. The researchers say that private messaging networks such as WhatsApp also influence the flow of news. In India, news spreads mostly by word of mouth.

There is no doubt that internet media has emerged as a powerful medium of learning and reading along with freedom of expression. However, it is also very important to understand whether the news shown on social media or any other platform is true or false.

Earlier, when a person was dependent on newspapers for news, he used to be exposed to news filtered through many mediums, but today is the era of "real time news" where any fake news is shared by millions of people. It is tweeted and retweeted, sometimes even someone's idea is shared and someone's personal propaganda is accepted as truth.

Internet media has blurred the distinction between public and personal. What you talk and think about with your family in dinner, immediately becomes public through a post. Freedom of Expression also has its own importance. But to what extent is it justified to tamper with the facts in the name of this freedom? One of the major threats to internet media is divisive elements releasing fake news on their websites and then sharing it through social media. Significantly, terrorist organizations like ISIS have made social media the main medium of their recruitment and internet media is helping them in this work.

As of now, there is no clear law that prohibits fake news, although there are some measures other than this, which can solve the problem to some extent. Complaint in respect of fake news can be lodged to Indian Broadcast Foundation and Broadcasting Content Complaints Council. On the other hand, if fake news means hate mongering, FIR may be lodged under sections 153 and 295 of Indian Penal Code. If an attempt is made to tarnish the dignity of an individual or organization through fake news, then Civil or criminal cases can be filed for defamation. There is no doubt that all these measures cannot solve the problem of fake news.

On social media, heart-wrenching fake videos continue to circulate and rumours are spread. The problem of fake news is becoming more complex because the number of people using the internet in India is continuously increasing. At present, twenty seven per cent of India's population use the Internet. India has the second largest number of Internet users in the world after China.

A report by the Media Lab of the Massachusetts Institute of Technology has revealed that Social media has become the prime destination of fake news. The research included 1,20,000 news stories that were shared and retweeted on Twitter by 3 million people between 2006 and 2017. This figure is 70 per cent more as compared to real news. According to the study regarding fake news. 80 per cent of fake news is spread through 0.1 per cent of Twitter accounts. One per cent of Twitter users spread 100 per cent fake news. Due to fake news, it is very difficult to identify the true information. For false news and information, the term 'fake news' is very limited. The Government or Non-Government people are also using fake news a lot. It is being used as a weapon with a specific goal in mind. In order to achieve their goal, many fake accounts are trying to change the public opinion through fake news etc.

Fake news is being spread in the form of satire or parody, misleading content, impostor content, fabricated content, contextless news and manipulated content.

Today social media is the biggest force in the world, but caution is also necessary in its use. A small piece of fake news can create a ruckus in the whole country. It should also be informed that on receiving any kind of material, firstly its veracity is required to be checked, only then it should be accepted as a correct one. Without knowing truth, no message should be forwarded so as to avoid the menace of fake news. There is a system of verification of news items on all platforms. Although, in order to check the facts, one has to visit some social media etc., but fact check is necessary to stop the spread of fake news. Technology has a big role to play in this regard. People should be made aware of mechanisms to verify messages before they are forwarded.

The Information Technology (Intermediary Guidelines and Digital Media Code of Conduct) Amendment Rules, 2022 have been issued. However, in this law there is no provision to ban fake news. Hence, it is very important for India to legalize the Prohibition of Fake News on Social Media Bill, 2022 in the country. It should be implemented at the earliest to ensure that the topics on the social media platforms are in line with the Indian social decency and culture.

Hence this Bill.

NEW DELHI;
20 *January*, 2023.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Fake News on Social Media Regulatory Authority for carrying out the purposes of this Act. It further provides for salary and allowances payable to the members of the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 37 OF 2023

A Bill to provide for establishment of Regional Waste Disposal Management Cluster for waste management in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Waste (Disposal and Management) Act, 2023.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "Committee" means the Inspection and Promotion Committee constituted under section 5;

(*c*) "municipal authority" means Municipal Corporation, Municipal Committee, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and entrusted with the responsibility of management and handling of municipal solid wastes;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Regional Cluster" means the Regional Waste Disposal Management cluster established under section 3;

(*f*) "segregation" means separation of municipal solid wastes into organic, inorganic, bio-degradable, non-biodegradable, recyclable and non-recyclable waste and hazardous wastes;

(*g*) "waste-energy plants" means plants where solid waste is treated using different techniques to produce any form of energy; and

(*h*) "waste generating unit" means any entity, household or large manufacturing facility where waste is generated and which require waste disposal.

Establishment of Regional Waste Disposal Management Cluster.

3. (*1*) The appropriate Government shall establish Regional Cluster, to be known as the Regional Waste Disposal Management Cluster for every ten cities under their respective jurisdiction to ensure collection and waste management in such manner as may be prescribed.

(*2*) The Regional Cluster established under sub-section (1) shall be utilized for,—

(*a*) segregation of waste;

(*b*) transportation of re-cyclable waste to waste-energy plants; and

(*c*) disposal of non-recyclable and non-biodegradable wastes.

(*3*) The eighty per cent. of the expenditure in relation to establishment of Regional Clusters in the States shall be borne by the Central Government and rest of the twenty per cent. by the State Government concerned and expenditure in relation to Union territory shall be borne by the Central Government.

Duty of the municipal authority.

4. It shall be duty of the Municipal authority to—

(*a*) collect and segregate waste from the waste generating units;

(*b*) transport the re-cycled waste to the waste-energy plants and non-recyclable waste and non-biodegradable waste to the Regional Cluster.

Constitution of Inspection and Promotion Committee.

5. (*1*) The Central Government shall constitute a Committee to be known as the Inspection and Promotion Committee for the purposes of operation and management of Regional Clusters.

(*2*) The Inspection and Promotion Committee shall consist of,—

(*a*) the Prime Minister of India who shall be the ex-officio Chairperson of the Committee;

(*b*) the Union Minister of Housing and Urban Affairs ex-officio member;

(*c*) one representation of NITI Ayog to be appointed by the Central Government as member;

(*d*) four member of Parliament out of which two shall be from the House of the People and two shall be from the Council of the States to be nominated by the presiding officer of the Houses concerned as members;

(*e*) an expert from the field of Waste Management as member; and

(*f*) an official from the Indian Administrative Service or equivalent to be appointed by the Central Government who shall be the member-secretary of the Committee.

(*3*) The Committee shall meet at least twice in a month:

Provided that the Committee may meet as and when decided by the Chairperson.

(*4*) The Union Minister of Housing and Urban Affairs shall provide secretarial assistance to the Committee.

Functions of the Committee.

6. The Committee shall,—

(*a*) ensure the establishment of Regional Cluster;

(*b*) ensure that the persons at the Regional Cluster are trained and aware about the modern technique of the waste disposal;

(*c*) ensure that expenditure involved in the establishment of Regional cluster is made available;

(*d*) ensure that all urban areas of the country have access to the Regional Cluster;

(*e*) provide employment opportunities to unorganized worker and small entrepreneurs at the Regional Cluster;

(*f*) inspect that the municipal authority transports the segregated wastes to the Regional Cluster; and

(*g*) promote use of re-cycleable waste.

Central Government to provide requisite funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Act not in derogation of any other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Every year India generates 62 million tonnes of waste. Of these, about 43 million tonnes (70%) is collected and about 12 million tonnes is treated and 31 million tonnes is dumped at landfill sites. With changing consumption patterns and rapid economic growth, it is estimated that urban waste generation will increase to 165 million tonnes by the year 2030. Most of the dumps or waste disposal sites in India have exceeded their capacity and the upper limit of 20 metres. It is spread over a total of 47,456.66 acres of land in the country. The total weight of this waste pile is 18.67 crore tonnes.

Under the Swachh Bharat Mission the municipal corporations are asked to prepare and send action plans for biological disposal of the legacy landfill. This waste is later disposed of as fuel and organic soil. These are used in road construction and other works. When the waste dump is removed, the Municipal Corporation plans an alternative use of that land. According to the data, there is about 47 thousand acres of such land in the country.

It is a matter of concern that there is no plan yet for the disposal of this waste. It is spread over a total of 47,456.66 acres of land in the country. There is already scarcity of land in the cities of the country. People are forced to live hellish life in less space. Due to its spread in every city, there is always a danger of spreading of the epidemic from waste. There is also no uniformity in waste disposal as all cities deal with waste in their own way in which there is a lot of economic expenditure along with the labour force.

Therefore, creation of Regional Waste Disposal Management Cluster is highly necessary. With the creation of Regional Waste Disposal Management Clusters, the burden of waste will not accumulate on any one city. Waste can be disposed of in less portions of land, due to which the people of the city will be able to get land for housing which is currently covered with waste. There will be no fear of spread of epidemic and bad smell.

Rising incomes, rapid but unplanned urbanization and changing lifestyles have resulted in an increase in the amount of waste in India and changes in its composition (with increased use of paper, plastic and other inorganic material). Improper waste management in India has many effects on the environment and health. There is a need to formulate a long-term strategy to address the future challenges of solid waste management in Indian cities with a focus on addressing the environmental and public health hazards resulting from the current state of solid waste management.

Governments are working at every level regarding the construction of smart cities in the country and cleanliness under the Swachh Bharat Mission. However, as the population is increasing, so is the amount of waste. The waste coming out of homes and factories is posing a big problem in the cities. Meanwhile, shocking figures are revealed regarding the waste. According to them, there are a total of 1854 large waste piles or landfill sites in the country. Months old waste has accumulated at these places. This is called the legacy landfill. Of these, more than 50 per cent of the legacy landfill sites are located in five States only. It means that maximum amount of waste has been piled up in these five States. There is no plan either for its disposal. Out of total 1854 legacy landfill sites, 591 legacy landfill sites are present in 5 States. Karnataka has 136 legacy landfill sites. There are 128 legacy landfill sites in Rajasthan. Andhra Pradesh has 115 legacy landfill sites. There are 111 legacy landfill sites in Madhya Pradesh and 101 in Telangana. The second phase of the Swachh Bharat Mission-Urban has been launched by the Central Government. It aims to make the cities waste free. Also, under the mission, a target has been set to dispose of the legacy landfills in the cities by the end of five years. A target has been set for its completion by 2026.

A dashboard has also been launched in this regard since 28 November 2022. It is updated continuously. This happens when an action plan is prepared by the cities and sent to the ministry through the State Governments. According to the data available till 4.30 P.M. on December 6, there are a total of 1854 legacy landfills in the country. It is spread over a total of 47,456.66 acres of land in the country. The total weight of this waste pile is 18.67 crore tonnes.

Solid waste management practices in most urban areas in India suffer from great inefficiencies; along with this they suffer from other administrative constraints like problem of decision making and cost planning. Municipal bodies functioning under the State Government are often short of staff, while most of their financial budget is spent on waste dumping exercises. In addition, many municipal bodies hire private contractors for waste collection and disposal with the aim of making a profit.

There is a lack of awareness among a large section of the population about the segregation of household waste. Failure to properly segregate trade waste leads to its mixing in landfills. Waste materials such as food scraps, paper, plastic and liquid waste mix and decompose, leaching contaminated water into the soil and releasing harmful gases into the atmosphere.

In most of the cities in India, waste is dumped near the villages on its outskirts which affects the environment of the villages and creates many health hazards. Due to this rural-urban conflicts are arising. There is a need to develop a system of Extended Producer Responsibility in India to ensure that product manufacturers are made financially liable for different parts of the life cycle of their products. It involves the return, recycling and final disposal of products at the end of their useful life cycle and thus promotes a circular economy.

In view of the above, the Bill seeks to establish Regional Waste Management Cluster so that proper disposal of waste can be done by creating a waste disposal management cluster at the regional level.

Hence this Bill.

NEW DELHI;
January 23, 2023.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Establishment of Regional Waste Disposal Management Cluster. Clause 5 provides for the constitution of Inspection and Promotion Committee for the purposes of operation and management of Regional Clusters. Clause 7 provides for Central Government to provide requisite funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 14 OF 2023

A Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2023.

(*2*) It shall come into force with immediate effect.

Amendment of section 19.

56 of 2007.

2. In section 19 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the principal Act), in sub-section (*2*), for the words "types of services", the words "types of services including sports and yoga" shall be substituted.

Amendment of section 20.

3. In section 20 of the principal Act, after clause (i), the following clause shall be inserted, namely:—

"(*ia*) free medical and healthcare facilities to the senior citizens in all Government and private hospitals including full reimbursement of amount spent on medicines and treatment.".

Amendment of section 21.

4. In section 21 of the principal Act, in clause (i), after the words "radio and the print,", the words "and by organizing seminars, symposium and lectures" shall be inserted.

Insertion of new section 21A.

5. After section 21, the following section shall be inserted, namely:—

Social Security for Senior Citizens.

"21A. (*1*) The State Government shall provide social security to all senior citizens and ensure their protection from exploitation and ill-treatment to ensure a peaceful life and healthcare for them.

(*2*) For the purpose of providing social security under sub-section (1), the State Government shall, inter alia, provide the following facilities:—

(*i*) monthly pension to each senior citizen, who is unable to maintain himself and who does not have any children or relative, in such manner and at such rate as may be prescribed;

(*ii*) subsidy to each senior citizen up to ninety percent for amount spent on travel by road, air and railways;

(*iii*) providing free legal aid to all the senior citizens including setting up of "fast track courts" for prompt disposal of cases wherein senior citizens are involved; and

(*iv*) determining criteria for accreditation and registration of voluntary organizations and trusts involved in the welfare of senior citizen.".

STATEMENT OF OBJECTS AND REASONS

In the modern era, senior citizens have become victims of globalization and are often neglected by their family members. Senior citizens have to face several kinds of problems, because after attaining the age of sixty years or above, they are obviously retired and in such condition neither they get any work nor are they in a position to work.

Often, it is also seen that the children of elderly people do not help them financially. In such situation they have to face financial problems and they also face many problems in buying medicines and other essential items, household items and for two meals a day.

It is a fact that steps for facilities and other welfare measures are being taken by the Central Government and other social institutions for senior citizens. But, still a lot needs to be done for their happy and dignified stay in the society.

In 1991, the United Nations General Assembly had also requested the Governments to formulate relevant policies in this regard.

Although, the Government has enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution. However, there is a dire need to provide social security to the senior citizens including financial security, healthcare and shelter and protection from abuse and exploitation.

Hence this Bill.

NEW DELHI;
December 12, 2022.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for State Government to provide yoga and sports facilities in the old age homes meant for the senior citizens. Clause 3 provides for the State Government to provide free medical and healthcare facilities to the senior citizens. Clause 4 provides for the State Government to organize seminars, symposiums and lectures to create awareness about the provisions of this Act. Clause 5 provides for the State Government to provide social security to the senior citizens including monthly pension, subsidy in travel and free legal aid. The expenditure in relation to the States shall be borne by the State Governments from their respective Consolidated Funds. However, the expenditure in relation to Union territories shall be borne by the Central Government. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees seven hundred crore per annum would be involved from the Consolidated Fund of India is likely to be involved.

A non-recurring expenditure of rupees seven crore is also likely to be involved.

BILL NO. 21 OF 2023

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2023.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 214.

2. In article 214 of the Constitution, for the words, 'High Court for each State', the words, 'High Court for each State to be known by the name of the State' shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Government had issued an order in the year 1960, which clearly stated that the 'Bombay High Court' would henceforth be known as the 'Maharashtra High Court'. But this order was not implemented. Bombay was renamed Mumbai in the year 1995, but the name of Bombay High Court remained the same. Since, the city called Bombay no longer exists, but the High Court is on the name of 'Bombay' only, which is not appropriate.

The pronunciation of the word 'Maharashtra' connotes special significance in the life of a Maharashtrian. Therefore, its use should find expression in the name of the High Court also. It is much needed to change the name of "Bombay High Court" to "Maharashtra High Court" for implementation of a clause of the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 for the protection of the distinctive culture, heritage and traditions of the people of the State of Maharashtra.

In this context, it is also to be noted that in a PIL to rename "Bombay High Court" as "Maharashtra High Court", the Hon'ble Supreme Court in its order dated 03.11.2022 has mentioned that this matter involves parliamentary procedures. Hence, it cannot be interfered with by the courts and, however, if such a change is to be made, it should be done through a parliamentary or legislative body.

Therefore, alongwith the request that in article 214 of the Constitution for the words "There shall be a High Court for each State", the words "There shall be a High Court by the name of the State for each State" shall be substituted. It is also forwarded that the concerned authorities of other States may also be directed to change the names of their High Courts in accordance with the names of the States in which they are situated.

Hence this Bill.

NEW DELHI;
December 12, 2022

GOPAL CHINAYYA SHETTY

BILL NO. 79 OF 2021

A Bill further to amend the National Commission for Minorities Act, 1992.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Commission for Minorities (Amendment) Act, 2021.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

19 of 1992.

Amendment of section 2.

2. In section 2 of the National Commission for Minorities Act, 1992 for clause (c), the following clause shall be substituted, namely:—

"(*c*) 'minority', means,—

(*i*) a religious community notified as such by the Central Government; and

(*ii*) religious communities notified as such by the State Government based on the demographic data calculated on the basis of the latest decadal census data of the State concerned:

Provided that no religious community shall be notified as a minority community in a State if the population of that community is more than twenty per cent. of the total population of that State;".

STATEMENT OF OBJECTS AND REASONS

The National Commission for Minorities was established under the National Commission for Minorities Act, 1992 with the vision of addressing the feeling of inequality and discrimination that pervaded among some sections of the minorities. However, the term 'minority' has neither been clearly defined in the Constitution nor in the original legislation. This has led to conflicting interpretations by the judiciary.

A minority, normatively, may be differentiated from the dominant group on the basis of the power asymmetry. Religious minorities are sometimes not able to preserve their culture, ethnicity and educational system on account of not being at par with the immediate majority community. It is thus imperative that religious minorities be defined on a State-wise basis rather than on a pan India basis. Linguistic minorities are already being defined in this manner.

Defining religious minorities on a pan India basis has not only created a wave of inequality across different States but has also encouraged those who do not belong to religious minorities and to convert for social, political and economic benefits.

Further, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December, 1992 had called for protecting minorities within their respective territories. This would be possible only if minorities are defined State-wise.

The Bill, therefore, seeks to amend the National Commission for Minorities Act, 1992 with a view to provide that a religious community shall be a 'minority' community for the purposes of this Act only if,—

(*a*) notified as such by the Central Government; or

(*b*) notified as such by the State Governments based on the demographic data calculated on the basis of the latest decadal census data of the State concerned only if population of such religious community is less than twenty per cent. of the total population of that State.

Hence this Bill.

NEW DELHI;
February 23, 2020

SANJAY JAISWAL

BILL NO. 222 OF 2022

A Bill to provide for regulation of tour operators and travel agents by providing for compulsory registration of these operators and agents by competent authority; and by prescribing requisite norms and infrastructure for various tour and tourist related activities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Tour Operators and Travel Agents (Regulation) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requites,—

(*a*) 'appropriate Government" means in the case of a State, the Government of that State, and in all other Cases, the Central Government;

(*b*) "Competent authority" means any office or Officer notified by the appropriate Government under section 4;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "tour operator or travel agent" means any person including any establishment who undertakes and conducts packaged tours tothe various parts of the country and outside India or provides transport, passport and visa facilities, reservation of seats for airlines, rail, bus, steamer and ships, arrange accommodation, entertainment and other tourism related services and consultancy to tourists; and

(*e*) "tourist" means any person who undertakes any journey or visits any place in or outside India and includes a pilgrim.

Compulsory registration of Tour Operators and Travel Agents.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, no person or establishment shall work as tour operator or travel agent without prior registration with the competent authority.

(*2*) Any person or establishment found working as tour operator or travel agent without registration shall be guilty of an offence punishable under this Act.

Procedure for registration.

4. (*1*) The appropriate Government shall, by notification in the Official Gazette, appoint a competent authority for the purposes of registration of tour operator or travel agents within its jurisdiction.

(*2*) Any person or establishment willing to work as tour operator or travel agent shall apply to the competent Authority for the purpose of registration in such form and manner as may be prescribed.

(*3*) Any person or establishment working as tour operator or travel agent before the commencement of this Act shall apply for registration to the competent authority within a period of forty-five days from the date of commencement of this Act in such form and manner as may be prescribed.

(*4*) On receipt of an application for registration as tour operator or travel agent the competent authority shall scrutinize the application and may call for such other information or documents from the applicant as may be prescribed.

(*5*) The competent authority shall, before registering any tour operator or travel agent, inspect the infrastructure and facilities available with the tour operator or travel agent to have the first hand information and ensure the compliance of the norms and standards fixed by the appropriate Government in this behalf.

(*6*) The competent authority shall, after being satisfied with the various requirements under this Act, grant a registration certificate to the applicant in such manner and form as may be prescribed which shall be valid for three years.

(*7*) The competent authority shall renew the registration of any tour operator or travel agent only after re-inspecting the infrastructure facilities with the tour operator or travel agent and on fulfilment of requirements and norms fixed in this behalf by the appropriate Government under this Act.

(*8*) The competent authority may refuse to register or renew registration of a tour operator or travel agent if he fails to comply with the norms and standards fixed by the

appropriate Government in this behalf or the competent authority finds its infrastructure insufficient for the purpose of working as tour operator or travel agent:

Provided that in case of non-registration or non-renewal of registration of a tour operator or travel agent, the competent authority shall record reasons in writing and communicate the same to the applicant.

(*9*) The competent authority shall take a decision on the application filed under sub-section (*2*) within a period of thirty days.

(*10*) The appropriate Government shall, by notification in the Official Gazette, appoint an appellate authority, to provide opportunities to the person aggrieved by the orders of the competent authority.

Appropriate Government to prescribe norms for tour operator and travel agents.

5. The appropriate Government shall,—

(*a*) fix the maximum fee to be charged by the tour operator and travel agents for various tour related activities;

(*b*) fix the rate at which vehicles shall be made available to tourists;

(*c*) prescribe norms and standards for various activities;

(*d*) lay down norms for minimum infrastructure for starting and running tour operations;

(*e*) prescribe such other norms as may be necessary for the purpose.

Penalty.

6. Whoever contravenes the provisions of this Act and the rules made thereunder shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to five lakhs rupees.

Offences by company.

7. (*1*) Where a contravention of any of the provisions of this Act or any rule, direction or order made thereunder has been committed by a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention.

(*2*) Notwithstanding anything contained in sub-section (*1*), where a contravention of any of the provisions of this Act or of any rule, order, or direction made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purpose of this section:—

(*i*) "company" means any body corporate and includes a firm or association of individuals; and

(*ii*) "director", in relation to a firm, means a partner in the firm.

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not

inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Overriding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save as aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time being in force.

Power to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be 25 of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

At present, there is no legislation to regulate the tourism industry, particularly the travel agencies operating in various regions of the country. This sector is unorganised and any person can start a travel agency anywhere by setting up a small shop just with a telephone facility. There is no ban on such travel agents and as a result, in some of the cases, anti social or mischievous elements sneak into this business and flourish in the name of providing travel consultancy. There have been cases when the foreign tourists have been cheated and robbed of their valuables by the unscrupulous travel agents. The Association of Domestic Tour Operators has held several meetings with the Ministry to make registration of a travel agency mandatory to curb the untoward incidents and dubious practices indulged in by some travel agents with ulterior motives. It becomes all the more important to check this menace of unregulated travel agencies, by suitable legislative measures.

Hence this Bill.

NEW DELHI;
November 22, 2022.

JANARADAN SINGH 'SIGRIWAL'

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 229 OF 2022

A Bill to provide for the formulation and implementation of a comprehensive *nationapl policy for ensuring overall development of the dalit youth belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes and oppressed categories and for their welfare to be undertaken by the Central Government and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Dalit Backward and Oppressed Youth (Development and Welfare) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'appropriate Government' means in the case of a State, the Government of the State and in all other cases, the Central Government;

(*b*) 'backward youth' means youth belonging to castes which have been declared, by notification in the Official Gazette, as backward by the appropriate Government from time to time;

(*c*) 'dalit youth' means a youth belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be;

(*d*) 'oppressed youth' means a youth who has been a victim of any cruelty or discriminations for the reason that he professes any faith or religion other than religion or faith professed by majority of persons in that State or belongs to a caste not covered in SCs or a victim of poverty, as the case may be;

(*e*) 'prescribed' means prescribed by rules made under this Act; and

(*f*) 'youth' means any person who has attained the age of eighteen years but is not above the age of forty-five years.

Formulation of comprehensive national policy.

3. (1) The Central Government shall, as soon as may be, formulate a comprehensive national policy for the overall development and welfare of the dalit, backward and oppressed youth of the nation.

(2) Without prejudice to the generality of the provisions of sub-section (1), the national policy may provide for:

(a) Free higher education, including medical, technical and information technology education;

(b) Free coaching training for admission to management courses with assured admission in management institutes of repute;

(c) Books, stationery, equipment and educational gadgets free of cost;

(d) Scholarships in deserving cases;

(e) Hostel facilities free of cost;

(f) Free public transport facilities;

(g) Monthly pocket expenses allowances at such rate as may be prescribed;

(h) Free entertainment facilities;

(i) Free access to all libraries and technical institutions;

(j) Training in sports to every eligible youth covered under this Act and facilities and appropriate incentives to participate in sports activities, events and tournaments in and outside the country;

(k) Provision of free of cost healthy and nutritious meals to all the student youth covered under this Act in the schools, colleges, universities, hostels and technical institutions;

(l) Free medical and healthcare;

(m) Apprenticeship in business, trade, vocation etc. in factories and commercial establishments;

(n) Providing military training to physically fit youth covered under this Act and those successfully completing training to be given preference for recruitment in defence services;

(o) Free of cost coaching and study material for all India Services and other competitive examinations which are conducted by Union Public Service Commission, State Public Service Commissions and other examinations bodies such as of Railways, Banks Staff Selection Commission and other bodies of the Government at the Centre, States and Union Territories; and

(p) Such other facilities, incentives and welfare measures as may be prescribed from time to time.

Employment and unemployment allowance.

4. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall provide gainful employment to the youth covered under this Act as per their ability and qualification.

(2) If the appropriate Government fails to provide gainful employment, the youth shall be paid unemployment allowance on monthly basis at such rate as may be prescribed till he is given gainful employment.

Miscellaneous provisions.

5. The Central Government shall—

(i) appoint expert committees in the capital of every State and Union Territories and in every district for carrying out the purposes of this Act;

(ii) promote youth cooperatives such as village industry ventures, dairy projects, food processing, poultry, fair price shops, LPG distribution at village or district level to provide self employment to youth belonging to dalits, backward and oppressed classes; and provide requisite financial assistance and guidance to them for procuring raw materials and promoting marketing;

(iii) ensure availability of requisite credit at nominal rate of interest from the Banks and other Financial Institutions to the youth covered under this Act for their self employment projects; and

(iv) extend such other welfare measures to the youth covered under this Act as it may deem appropriate and necessary for carrying out the purposes of this Act.

Central Government to provide requisite funds.

6. The Central Government shall, after due appropriation made by Parliament by law, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Power to make rules.

7. (*1*) The Central government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The youth are the strength of a strong nation and are capable of substantially influencing polity. In recent times, youth have transformed some monarchies into Republics by overthrowing monarchial power. As such, youth are always at the centre stage of socio-political activities of every country and similar is the position in our nation. To maintain this strength, a clear youth policy is required to rid the country of problems related to education, poverty, nutrition, employment opportunities, self employment, vocational training, health, sports etc. The country at present has no institutional mechanism to harness the potential of our youth and channelize their energy for the betterment of the country. The plight of the youth belonging to backward communities such as Scheduled Castes, Scheduled Tribes and Other Backward Classes who have been oppressed for centuries is even worse. Even today the Dalit youth have to face social ostracization; though thanks to the reservation policy propounded by Babasaheb Dr. B.R. Ambedkar, many of them have made some progress, but youth of the backward classes still require special attention because there is need to instill a sense of belonging among them by providing them all opportunities for their overall development so that they too can contribute to the progress of the country to their full potential. The facilities and opportunities should be provided as a matter of right and it should not be allowed to remain a privilege of the elite only. Employment needs to be guaranteed to them and if employment opportunities are not provided to them, they have to be given unemployment allowance. They have to be linked directly to the production processes by eliminating disparities between rural and urban youth. For this, a comprehensive national policy is an absolute necessity.

Hence this Bill.

NEW DELHI;
22 *November*, 2022.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a national policy for the Dalit, backward and oppressed youth under which various facilities are to be provided to such youth. Clause 4 provides for employment opportunities and payment of unemployment allowance by the Government. Clause 5 provides for promoting youth co-operatives such as village industry ventures, dairy projects, food processing etc. at village and district level and requisite financial assistance; requisite credit at nominal rate of interest from banks and other financial institutions and other welfare measures to the youth. Clause 6 makes it mandatory for the Central Government to provide requisite funds to carry out the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crore may be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of Rupees Twenty Thousand crores may also be involved for creating assets and infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives the power to the Central Government to make rules for carrying out the purposes of Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 239 OF 2022

A Bill to provide training on social and emotional learning to all educators and students enrolled in schools affiliated to Central Board of Secondary Education, Indian Certificate of Secondary Education and State Education Boards using curricula and materials that are scientifically accurate, age appropriate, and culturally relevant and for other matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Promotion of Social and Emotional Learning in Schools Act, 2022.

(*2*) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(*b*) "Chairperson" means the Chairperson of the Commission for Promotion of Social and Emotional Learning in Schools, appointed under section 4;

(*c*) "Commission" means the Commission for Promotion of Social and Emotional Learning in Schools set up under section 3;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Student Committee" means Committee set up under section 13; and

(*f*) "teacher coordinator" means the authority appointed under section 16.

CHAPTER II

COMMISSION FOR SOCIAL AND EMOTIONAL LEARNING IN SCHOOLS

Constitution of the Committee.

3. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the Commission for Promotion of Social and Emotional Learning in Schools to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(*2*) The Commission shall be a body corporate by the above name, having perpetual succession and a common seal.

(*3*) The head office of the Commission shall be at New Delhi.

Composition of the Commission.

4. The Commission shall consist of,—

(*a*) The Secretary, Department of Higher Education in the Union Ministry of Education, Chairperson, *ex-officio*;

(*b*) two members from amongst the eminent persons of ability and integrity, who—

(*i*) have a thorough understanding and expertise of social and emotional learning; and

(*ii*) have experience of working as an expert in human psychology;

(*c*) two members from amongst the eminent persons of ability and integrity, who,—

(*i*) have a thorough understanding and expertise in the field of academia;

(*ii*) have experience of working with and implementing different pedagogical techniques:

be appointed by the Central Government in consultation with the Ministry of Education:

Provided that at least one of the four members appointed under clause (b) or (c) shall be a woman.

Term of office of the members of the Commission.

5. (*1*) The Chairperson and every member of the Commission shall hold office for a term of three years from the date of assumption of office and shall be eligible for re-appointment for not more than three terms:

Provided that under no circumstances, the Chairperson or any member shall hold office after attaining the age of seventy years.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Chairperson or a member may—

(*a*) resign, by giving in writing to the Central Government, a notice of not less than six months; or

(*b*) be removed from their office in accordance with the provisions given in section 6.

(*3*)The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other members shall be such as may be prescribed by the Central Government.

Removal from the Membership of the Commission.

6. (*1*) The Central Government may, by order, remove the Chairperson, or a member from office, if the Chairperson or a member—

(*a*) becomes mentally unstable to continue in their position;

45 of 1860

(*b*) is convicted of an offence under the Indian Penal Code, 1860;

(*c*) acquires financial or other interests which may prejudice their decisions and functions;

(*d*) has in the opinion of the Central Government and the Court, so abused his position as to render his continuance in office detrimental to the public interest.

(*2*) The Chairperson or a member shall not be removed under any clause of sub-section (*1*), unless the Central Government gives in writing the reasons for their dismissal and the Chairperson or the member is given a reasonable opportunity of defending themselves in the matter.

Advice sought by the Commission.

7. (*1*) The Commission may, at any point, associate with itself any person whose advice or assistance it may desire in carrying out any of the purposes of this Act but not in contravention of any other law.

(*2*) A person associated with the Commission under sub-section (*1*) shall have a right to take part in discussions relevant to that purpose, but shall not be a member for any other purpose.

Meeting of the Commission.

8. (*1*) The Commission shall meet as and when necessary as the Chairperson may deem fit.

(*2*)The Commission shall regulate its own procedure.

(*3*)The Commission shall have the autonomy to allocate and spend the funds on the functions assigned to it under this Act.

CHAPTER III

FUNCTIONS OF THE COMMISSION FOR PROMOTION OF SOCIAL AND EMOTIONAL LEARNING IN SCHOOLS

Functions of the Commission.

9. (*1*) The Commission shall develop and implement the curricular for promotion of social and emotional learning in all schools.

(*2*) The Commission shall have the authority to receive annual reports from all the State and Central education boards and act according to them as per the requirement.

Other Miscellaneous functions.

10. Without prejudice to anything contained in sub-section (*1*) of section 9 the Commission shall also perform the following functions, namely:—

(*a*) review and monitor the working of every District Education Officer and the concerned Grievance Redressal Office;

(*b*) ensure coordination among every District Education office and Grievance Redressal Office;

(*c*) submit an annual report to the Central Government, within such time as prescribed by the Central Government, giving a full and detailed account of the activities undertaken by it in the previous year, and the Central Government shall cause every such report to be laid before both houses of Parliament.

(*d*) make suggestions to the Central Government on the financial support required to implement the social and emotional learning and to fulfil the other functions assigned to it under this Act; and

(e) prescribe the study material that shall be included in school curriculum related to social and emotional learning.

CHAPTER IV

INCLUSION OF SOCIAL AND EMOTIONAL LEARNING IN SCHOOL CURRICULUM

Education Boards to integrate social and emotional learning in Curricula.

11. The Central and State Education Boards shall,—

(*a*) modify their course content to integrate the Social and Emotional learning in their curriculum; and

(*b*) use biographies of famous 5 Indian personalities and poems that focus on the various resolution styles adopted by them during the time of crisis:

Provided that the course content shall be relevant as well as socially and culturally sensitive.

Activities for social and emotional learning in school curriculum.

12. (*1*) The schools shall implement the curricula prescribed by respective Education Boards to impart social and emotional learning through experience, demonstration, play narratives, role play, stories and other means that draw the attention of children.

(*2*) The students shall be given positive credits on their report cards for their participation in the activities related to social and emotional learning:

Provided that the evaluation shall be based on the efforts shown by the students during the class activity and not on the academic marks.

CHAPTER V

STUDENT COMMITTEE (BUDDY PROJECT) IN SCHOOLS

Constitution of Student Committee.

13. (*1*) The appropriate Government shall ensure that all schools shall constitute a student committee consisting of five representatives each from class-5, class-9 and class-12 who shall act as a mentor for the students of the junior classes.

(*2*) The participation of the students as a representative of the student committee shall be voluntary.

(*3*) The process to select the representatives to the student committee shall be such as may be prescribed:

Provided that at least one-half of the representatives shall be girls.

Psychological test/interview for the members of student committee.

14. (*1*) A candidate for selection as a representative shall be required to undergo a written psychological test as may be prescribed.

(*2*) A selected representative shall undergo an interview by Board consisting of the teacher coordinator, school psychological counsellor and a third party counsellor.

(*3*) Each representative shall be given a certificate of appreciation after successful completion of a year long tenure.

Representation in the Student Committee.

15. (*1*) The students of a school shall be divided in following three categories for the purpose of representation in the Student Committee from each category:

(*a*) Class-1 to Class-4 : The students of the first group shall have the representative from class-5;

(*b*) Class-5 to Class-8: The students of the second group shall have the representative from class-9; and

(*c*) Class-9 to Class-12: The students of the third group shall have the representative from class-12.

(*2*) The students shall be encouraged to approach the respective student representatives and the teacher coordinator, mentioned under section 16, for any problem faced by them.

CHAPTER VI

TEACHER COORDINATOR IN SCHOOLS

Provision of teacher coordinators in schools.

16. (*1*) The appropriate government shall ensure that all schools appoint at least one teacher coordinator subject to a maximum of four teacher coordinators who shall look after the activities regarding social and emotional learning in the school.

(*2*)The schools may independently select a qualified counsellor on their own, otherwise a teacher shall be selected by the Principal who shall undergo a workshop conducted by the experts from the Department of Education in order to qualify as a coordinator.

(*3*)The content of the workshop, which shall be organized bi-annually by the Commission, shall focus on the various ways to include social and emotional learning in schools.

(*4*) The teacher coordinator shall be given a book, specially designed for by the Commission that will suggest the activities that can be organised in the school.

(*5*)The teacher coordinators of the Government schools and of the schools affiliated to State Education Boards shall participate in an additional workshop which shall be conducted by the appropriate Government through the experts in the field of social and emotional learning in the local language.

(*6*) The teachers of other educational boards shall participate in the workshop conducted by the Commission:

Provided that teachers may additionally participate in the State Government workshops at will.

(*7*)The participation in the workshop shall be mandatory in order to become a teacher coordinator and failure in attending three consecutive workshops would result in immediate dismissal from the position.

(*8*)Upon successful completion of the workshops, teachers shall be granted a certificate of participation.

Provision regarding heuristics lab.

17. (*1*) At the beginning of every academic year all students shall participate in a heuristics lab.

(*2*)The activities of heuristics lab shall be recorded and submitted to the District Education Officer within first two months of the academic year.

(*3*)The content of the activities of heuristics lab shall be designed by the teacher coordinator with the help of Student Committee as per the guidelines to be prescribed by the Commission:

Provided that such activities shall focus to address the social, mental and relationship issues through group work, role play, games etc.

CHAPTER VII

ELECTRONIC DISSEMINATION OF SOCIAL AND EMOTIONAL LEARNING

Access to website to teacher coordinator.

18. The Commission shall design and maintain a dedicated website, especially for social and emotional learning and provided access to all the teacher coordinators, under which—

(*a*) the teacher coordinator shall upload the pictures and videos of all the activities taking place in a school in a digital form;

(*b*) various procedures, articles regarding the importance of the social and emotional learning, documents, notices, and testimonials from the teachers as well as students, shall be uploaded and updated from time to time; and

(*c*) the teacher coordinator shall also use the electronic platform to provide feedback and suggest changes.

Direct reporting by remotely located school.

19. The schools that are remotely located and are devoid of any proper communication channel digitally shall directly report to the District Education Officer, who shall be required to update the website.

CHAPTER VIII

MISCELLANEOUS

Central Government to provide funds.

20. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

Act to supplement other laws.

21. The provisions of this Act or the rules made there under shall be in addition to and not in derogation of any other law, rules, orders or instructions.

Power to remove difficulties.

22. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

23. (*1*) Subject to the other provisions of this Act, the appropriate Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification on annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Rising stress amongst the youth is a common occurrence nowadays. But, there might be a suitable solution for this elusive problem. The true potential of a country can be really measured by the strength and skills of its youth. In India, we have one of the largest youth population on the planet. But the question remains that how well we have been able to harness and develop their inherent potential.

We spend much less than the rest of the world on mental health issues (0.06% of the health budget is spent on mental healthcare) and have only 0.30 psychiatrists, 0.17 nurses, and 0.05 psychologists per 1,00,000 mentally ill patients in the country. According to a 2017 WHO report, 10-20% of children and adolescents world-wide are believed to be affected with mental health issues, with suicide and self-harm being the second leading cause of death in this age group after road traffic injuries. The same report surveyed Indian adolescents of whom 25% reported being depressed, 7% mentioned being bullied, 8% spoke about suffering from anxiety, another 8% complained of experiencing loneliness, and a 10% reportedly had no close friends, all of which are warning signs pointing towards mental health issue. The actual figures are likely to be far higher due to under-reporting on account of lack of awareness, and due to the stigma attached to mental health.

When we look at the current trajectory of mental health concerns in children and youth in India, we immediately correlate it to issues arising from an over-competitive environment and/or bullying. A 2012 Lancet study also had a similar finding, wherein they pointed out that Indian adolescents were often pressured to have aspirations of a much higher level than the society around them was capable of keeping pace with, leading to disappointments at a greater scale. While it is important to understand the causes of such mental ill health, it is far more pertinent to tackle the root of these issues, and attempt to prevent it. Mental and emotional health are integrally related, with the later having a strong influence on the former. These begin developing at an early age, and help us in our personal, academic, social lives by equipping us with some basic life skills. Given schools' unique ability to access large numbers of children, they are most commonly identified as the best places to provide this support so as to promote the universal mental health of children. A key component of such a support system, which has been gaining rapid recognition worldwide, has been Socio- Emotional Learning (SEL). SEL has been found to be an effective tool in developing better control over one's emotions, and in enhancing the decision-making process of an individual. Research shows that SEL is associated with a positive impact on important mental health variables that increase children's attachment to school, enhance their motivation to learn, and reduce risky behaviours.

SEL, when properly imparted to children or adolescents, is also understood to have a direct impact on their earnings over their lifetime. Apart from the above, for a country like India with its strong cultural diversity, there is an additional need for future generations to internalize SEL because they also help them in realizing the basic values expounded by our Constitution.

Hence this Bill.

NEW DELHI;
November 22, 2022

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Commission for Social Emotional Learning in Schools. Clause 5 inter alia provides for salary and allowances payable to the Chairperson and other Members of the Committee. Clause 20 makes it obligatory for the Central Government to provide requisite funds to carry out the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible at present to quantify the funds that may be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the appropriate Government to frame rules by notification in the Official Gazette, to carry out the provision of the Bill. The rules to be framed by the Government pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

BILL NO. 163 OF 2022

A Bill to provide for proper handling and disposal of waste being generated by wind turbine and solar energy devices by prescribing norms and fixing responsibilities and duties on manufacturers, re-cyclers and consumers with regard to disposal of the waste generated by wind and solar energy devices and for matters connected therewith or incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

WHEREAS decisions were taken as part of Paris Agreement, 2015 regarding Nationally Determined Contributions (NDC);

AND whereas it is considered necessary to implement the decisions aforesaid to protect the environment from the ill-effects of non-biodegradable garbage;

AND whereas article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Wind Turbine and Solar Energy Waste (Handling, Disposal and Recycling) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "Board" means the Central Board for the Prevention, Control and Abatement of Wind Turbine Waste and Solar Energy Waste constituted under section 4;

(*c*) "wind turbine waste" means the waste generated from the foundation, tower, components of the gearbox and generator and turbine blades;

(*d*) "solar energy waste" means waste generated from solar panels, photovoltaic (PV) solar modules and other product which are discarded, surplus, obsolete, broken from solar energy devices;

(*e*) "disposal" means disposal of wind turbine waste and solar energy waste according to prescribed norms to prevent contamination of ground water, surface water, ambient air quality and harmful effect on human health;

(*f*) "hazardous waste" means any wind turbine waste and solar energy waste which by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely tocause danger to health or environment, whether alone or when in contact with other wastes or substances.

(*g*) "operator" means a person or establishment owning or operating a facility for collection, transportation and disposal of wind turbine waste and solar energy waste;

(*h*) "consumer" means a person using products capable of generating wind turbine waste and solar energy waste;

(*i*) "re-cycler" means any person or establishment engaged in re-cycling or re-processing of used solar equipment or wind turbine or assembly of their component;

(*j*) "storage" means the temporary containment of wind turbine waste and solar energy waste in a manner so as to prevent its littering and hazardous effects on human being;

(*k*) "transportation" means carrying of wind turbine waste and solar energy waste from one place to other place hygienically through specially designed transport vehicle so as to prevent littering and harmful effects on human being;

(*l*) "distributor" means any person who distributes or re-sell wind turbine or photo-voltaic modules under his own name or trademark in the country;

(*m*) "importer" means any person who sell photovoltaic modules from a third country in India;

(*n*) "distance seller" means any person who sell solar-wind energy equipment and modules by means of distance communication directly to private households or to users other than private households in India; and

(*o*) "prescribed" means prescribed by rules made under this Act.

Prohibition on disposal of wind turbine waste and solar energy waste in public place.

3. The disposal of wind turbine waste and solar energy waste by any person or company knowingly or otherwise in any drain, landfill, at public places such as streets, roads, market place, open vacant plots and such other places is hereby prohibited.

National Policy for Scientific Management of Wind and Solar Waste Management.

4. The Central Government shall, within six months of the commencement of this Act, prepare and publish in the Official Gazette a National Policy for Scientific Management of Wind Turbine Waste and Solar Energy Waste Management for management of wind turbine waste and solar energy waste throughout the country.

Constitution of Central Board.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Central Board for the Prevention, Control and Abatement of Wind Turbine Waste and Solar Energy Waste for effective implementation of the provisions of the Act.

(2) The Board shall consist of Chairperson and such other members to be appointed by Central Government in such manner as may be prescribed.

(*3*) The salary and allowances payable to, and other terms and conditions of services of Chairperson and members of the Board shall be such as may be prescribed.

Functions of the Board.

6. (*1*) The Board shall be responsible for prevention, control and abatement of wind turbine waste and solar energy waste in the country.

(*2*) Without prejudice to the generality of the foregoing provision, the Board shall perform all or any of the following functions, namely:—

(*a*) advise the Central Government on any matter concerning improvement of recycling of wind turbines, cells, panels and the prevention, control or abatement of solar energy waste;

(*b*) monitor the implementation of the compliance criteria and procedure for handling and disposal of wind turbine waste and solar energy waste;

(*c*) grant authorization and registration to a person or an agency engaged in collection or dismantling or recycling of wind turbine waste and solar energy waste provided that the applicant possesses appropriate facilities to handle the waste safety;

(*d*) prescribe guidelines for household solar and wind energy users;

(*e*) plan and cause to be executed a nation-wide programme for the prevention, control and abatement of solar energy waste;

(*f*) plan and organize training of persons engaged or to be engaged in programmes for prevention, control and abatement of solar waste on such terms and conditions, as may be prescribed;

(*g*) enhance information exchange, education and awareness raising programmes in all sectors of society through mass media regarding prevention, control and abatement of solar waste;

(*h*) collect, compile and publish technical and statistical data relating to wind turbine waste and solar energy waste and the measures devised for its effective prevention, control and abatement;

(*i*) prepare manuals, codes or guides relating to prevention, control and abatement of solar energy waste;

(*j*) prevent and monitor illegal dumping of solar energy waste;

(*k*) improve institutional and technical capabilities of regional and sub-regional centres with training and technology transfer;

(*l*) collect and disseminate information in respect of matters relating wind-solar pollution; and

(*m*) perform such other functions as may be prescribed.

Responsibilities of Appropriate Government.

7. The appropriate Government shall,—

(*a*) ensure that all the wind turbine waste and solar energy waste generated within its territorial jurisdiction is handled and disposed of in accordance with compliance criteria and procedure as may be prescribed;

(b) facilitate infrastructure facilities for collection, storage, transportation and disposal of solar and wind energy waste and wind turbine waste;

(*c*) after due authorization, permit the operator to collect, transport and dispose of the solar waste and wind turbine waste in such manner as may be prescribed;

(*d*) ensure earmarking or allocation of industrial space or shed for wind turbine waste and solar energy waste dismantling and recycling in the existing and upcoming industrial park, estate and industrial clusters;

(*e*) ensure recognition and registration of workers involved in dismantling and recycling of wind turbine waste and solar energy waste;

(*f*) undertake industrial skill development activities for the workers involved in dismantling and recycling of wind turbine waste and solar energy waste;

(*g*) undertake annual monitoring and to ensure safety and health of workers involved in dismantling and recycling of wind turbine waste and solar energy waste;

(*h*) prepare integrated plan for effective implementation of provisions for importers and distant sellers;

(*i*) preparation and submit annual report to Ministry of Environment, Forest and Climate Change regarding prevention, control and abetment of wind turbine waste and solar energy waste; and

(*j*) encourage setting up of integrated Treatment, Storage and Disposal Facility (TSDFs) for 'hazardous waste' management on Public Private Partnership (PPP) mode in clusters of hazardous waste generating industries.

Duty of Manufacture.

8. It shall be the duty of every manufacturer,—

(*a*) to obtain Extended Producer Responsibility (EPR) Authorization and manage their responsibilities;

(*b*) to ensure that every solar and wind energy device offered for sale in the market contains—

(*i*) the procedure for its handling and disposal; and

(*ii*) the information about the parts which may be recycled and which not be re-cycled;

(*c*) to set-up adequate number of collection centers for the hazardous waste;

(*d*) to informing treatment facilities of the product's composition, including the potential use of hazardous materials;

(*e*) to inform end customers regarding disposal of their old PV modules;

(*f*) to create public awareness through advertisements, publications and other electronic media about the hazardous substances in their products which may cause ill effects on human body;

(*g*) to reduce the movement of hazardous and other wind turbine waste and solar energy waste;

(*h*) to take complete responsibility financial and otherwise for the recovery and recycling of the wind turbine waste and solar energy waste;

(*i*) to design the products to facilitate dismantling and recovery; and

(*j*) to report annually of the wind turbines and PV modules to the prescribed agency of appropriate Government.

Duty of consumer.

9. It shall be the duty of every consumer to ensure that the wind turbine waste and solar energy waste is not disposed of in any manner except in the manner prescribed for the purpose.

Duty of Re-cycler.

10. It shall be the duty of every re-cycler to,—

(*a*) get his product registered with the appropriate Government in such manner as may be prescribed;

(*b*) re-cycle only those parts of an solar and wind energy equipment that has been marked as re-cyclable by the manufacturer;

(*c*) achieve mandatory collection and re-cycling targets as may be prescribed;

(*d*) ensure that he is utilizing environmentally sound technologies and possesses, adequate technical capabilities, requisite facilities and equipment to recycle, reprocess or reuse hazardous wastes, as approved by the Central Pollution Control Board;

(*e*) ensure that the recycling processes are in accordance with the standards laid down in the guidelines published by the Central Pollution Control Board from time to time;

(*f*) ensure that residue generated thereof is disposed of in a hazardous waste treatment storage and disposal facility; and

(*g*) obtain authorization and maintain records of wind turbine waste and solar energy waste handled by him and file annual return to Central Pollution Control Board.

Transportation of Wind Turbine Waste and Solar Energy Waste.

11. The transportation of wind turbine waste and solar energy waste shall be carried out as per the manifest system whereby the transporter shall be required to prevent leakage of the wind turbine waste and solar energy waste to informal sector during transportation and hazardous waste shall be transported as per protocols.

Duty of Importer and Distant Dealer.

12. It shall be the responsibilities of the importer and distant dealer to,—

(*a*) collect the wind turbine waste and solar energy waste from the consumer and deposit it to the collection centre or dismantler or re-cycler as designated by manufacture in such manner as may be prescribed, as the case may be; and

(*b*) ensure all protocols are followed as prescribed for the manufacture.

Penalty.

13. (*1*) Where a person or the company contravenes any of the provisions of this Act or of any rules made under the act shall be punished with imprisonment for a term and with fine in such manner as may be prescribed.

Explanation.—For the purpose of this section "company" means any corporate and includes a firm or other association of individuals.

(*2*) Urban Local Bodies shall collect the fine under sub-section (*1*) and the funds may be used to strengthen wind turbine and solar energy waste disposal system within their jurisdiction.

Act to have overriding effect.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

15. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Wind and solar energy seem more promising than ever. Fossil fuel is one of the major causes of the climate crisis. Renewable energy can limit climate disruption and boost energy security. India plans to generate 500 gigawatts of non-fossil energy by 2030, including 140 GW of wind and 280 GW of solar power. Questions remain about whether the waste created at the end of the life cycle from solar panels and wind turbines will be as dangerous as the fossil fuels which they aim to replace.

Though most part of wind turbines are made up of recyclable materials such as steel, iron, copper, and aluminium, rotor blades are made of composite materials based on carbon fibres, plastics, and resins. Due to their large size and sturdy build, transportation becomes expensive. Therefore, wind turbine blades pose a significant economic and environmental challenge as they reach their end-of-life stage. With some techniques, these can be reused and, eventually, turbines need to be de-commissioned.

Manufacturing solar panels often require the use of several noxious chemicals. Add to that, solar panels have an operating lifespan of around 20 to 30 years. A solar panel is essentially made up of several sheets of silicon crystals called cells. Each cell making up a solar panel is sandwiched by an aluminium and glass layer. Together, they form the energy-producing components that convert sunlight into electricity. Normally silicon is recyclable, but to improve the solar cell's electrical efficiency, metals such as cadmium and lead are added. Studies have shown these metals can leach out of the cells and get into groundwater, as well as affect plants. These metals also have detrimental effects on human health as lead is known to impair brain development in children, and cadmium is a carcinogen. Several components of solar energy devices are hazardous and should be disposed of in a manner that does not harm the environment.

Due to these challenges, non-conventional energy resources will lose their inherent environmental benefit if legislative and infrastructure frameworks are not effective for waste handling, disposal, and recycling. If waste recycling is left to the vagaries of the informal sector, we would face irreversible environmental damage and health problems. Many workers engaged in informal waste management operations are the most vulnerable and unaware of the hazards associated with them. The legal framework for the disposal of solar and wind energy waste will enable the adoption of clean energy in an ethical way and manufacturers, distributors, and consumers will be held responsible for the generated waste. It will also enable us to develop new business models for renewable energy as this waste contains many valuable and rare materials. A holistic approach to unconventional energy includes not only a green and clean perspective but also resource and material management.

The large cost gap between recycling and discarding solar panels and wind turbine blades in landfills points to an unpleasant truth that manufacturers or consumers will not dispose of the solar cells or panels properly without regulations. With regulations, there will be an encouragement to invest in research to reduce pollutants and recycling costs.

Promoting the 3 R Concept (Reduce, Reuse and Recycle) for Hazardous Waste, the bill envisages creating a policy and infrastructure framework for proper channelization of solar and wind energy waste for processing. The fundamental approach is precautionary or polluter-pays principles, with the cardinal principles of accountability, transparency, and sustainability to ensure its proper implementation. While oil and gas prices have reached record-high levels, renewables are getting cheaper all the time. If energy prices will be lower and more predictable, there will be positive effects on food and economic security.

As society continues to adopt unconventional power, the problem of disposal may worsen in the coming decades and we will lose the benefits of using clean energy. It is estimated that solar and wind waste will become the most prevalent form of waste in landfills in India soon. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

Hence this Bill.

NEW DELHI; POONAMBEN HEMATBHAI MAADAM

July 5, 2022.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Central Government shall constitute a Board to be known as the Central Board for the Prevention, Control and Abatement of wind turbine waste and solar energy waste for effective implementation of the provisions of the Act. Clause 7 of the Bill provides that the appropriate Government shall facilitate infrastructure facilities for collection, storage, transportation and disposal of waste. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. The Central Government may also have to provide some financial assistance to the States for this purpose. Also, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees four hundred and sixty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 198 OF 2022

A Bill further to amend the National Green Tribunal Act, 2010.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the National Green Tribunal (Amendment) Act, 2022. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 15.

2. In section 15 of the National Green Tribunal Act, 2010 (hereinafter referred to as the principal Act), 19 of 2010.—

(*a*) in sub-section (1), the following proviso shall be inserted, namely:

"Provided that in cases of relief and compensation to be paid to a group of persons, the Tribunal shall quantify the amount of compensation to be paid to each victim of pollution and other environmental damages in such manner as may be prescribed."; and

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:

"(1A) The Tribunal shall, for the purpose of providing relief and compensation and restitution of property and environment under clauses (a), (b) and (c) of sub-section (1), establish a permanent panel of technical accessors on such terms and conditions of service as may be prescribed.".

Amendment of section 22.

3. In section 22 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that no appeal shall be made to the Supreme Court by a person against whom the award of compensation or relief is issued unless he deposits fifty per cent. of the amount of compensation awarded by the Tribunal to the Environmental Relief Fund constituted under the Public Liability Insurance Act, 1991.". 6 of 1991.

Amendment of section 35.

4. In section 35 of the principal Act, in sub-section (2), in clause (l), for the words "manner and the purposes", the words "manner, purposes and publication of information" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The National Green Tribunal (NGT) was set up in the year 2010 to provide a speedy and specialised form of adjudication of environment related cases and to provide compensation to victims of environmental damage. An expeditious mechanism is very much necessitated to finalise the process of assessing the compensation and disbursing it to the victims at the earliest.

As per the present system, the compensation must first be remitted to the environment relief fund which was set up under the Public Liability Insurance Act, 1991. When the NGT awards the compensation to victims of environmental damage, it must be transferred from the fund to the district collector having local jurisdiction for a disbursement. In practice, when there are large number of victims, the NGT awards a lump sum, leaving it to the collector to determine individual claims. This goes against the objective of the National Green Tribunal Act, 2010.

The Bill, therefore, seeks to amend the National Green Tribunal Act, 2010 with a view to provide process for assessment of environmental damage and quantifying environmental compensation and recast the process of appeal and formation of panel of technicians to assist the National Green Tribunal in surveying damage and quantifying compensation.

Hence this Bill.

NEW DELHI;
August 10, 2022.

E.T. MOHAMMED BASHEER

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Tribunal shall establish a permanent panel of technical accessors for the purpose of quantifying relief and compensation and restitution of property and environment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of one hundred crore is also likely to be involved.

———

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules regarding the publication of information for which the amount of compensation or relief credited to the Environment Relief Fund shall be utilized. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 292 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to Constitution,—

(*i*) in List II — State list, in entry 17, the words "and embankments" shall be omitted; and

(*ii*) in List III — Concurrent List, after entry 47, the following entry shall be inserted, namely:—

"48. Flood, riverine erosion control, embankments and management.".

STATEMENT OF OBJECTS AND REASONS

Despite flooding being an annual phenomena in the State of Assam, it is unfortunate that the struggle of tens of lakhs of people has been sidelined in the national discourse on development. In the previous seven decades (1951-2022), there was not a single year when the State didn't endure flooding. Moreover, over the years the floods have gotten more widespread and fiercer, inflicting increasing losses and damage to the State's economy, agriculture and infrastructure, with human misery also growing all around.

The State witnessed disastrous floods in the years 1951, 1968, 1972, 1987, 1988, 2004, 2008, 2012 and most recently in 2019. Observing what has already transpired in the months of May and June, the year 2022 has shaped up to become one of those catastrophic flood years for the State. Erosion too is a grave concern —the Assam Water Resources Department estimated the annual average loss of land due to river erosion at nearly 8000 hectares, causing damages running into hundreds of crores every year.

While the modern approach to flood management is dominated by Structural solutions like embankments, the necessity of the hour is to implement an integrated flood and erosion management strategy and design a long term action plan expressly for the State of Assam to minimise the twin calamity of flood and erosion. Given the nature and scale of the problem, and that it involves the larger question of river-basin management, the role and support of the Union Government is key. The comprehensive tackling of flooding and riverine erosion, cannot be left to the meager resources of a single state like Assam, 40% of Assam's area (close to 32 lakh hectares) is flood-prone, roughly four times higher than the national mark.

The Standing Committee of Parliament on Water Resources in 2021, expressing concern at the nationwide menace of flood mooted that "flood control and management" should be brought under the concurrent list of the Constitution for the overall national interest of integrated development of water resources. This intervention is crucial since most rivers flow across multiple States and flood control measure taken by one State State may have inter-state ramifications.

Thus, considering the above facts, it is proposed in the Bill that "flood, Riverine erosion control embankments and management" be included in the Seventh schedule to the Constitution so that both the Centre and State governments can play their due role in the field of flood and riverine erosion control and management.

Hence this Bill.

NEW DELHI; PRADYUT BORDOLOI

November 21, 2022.

BILL NO. 94 OF 2023

A Bill further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Hindu Succession (Amendment) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Hindu Succession Act, 1956,— 30 of 1956.

(*i*) in sub-section (*1*), after clause (*c*), the following clause shall be inserted, namely:—

"(cd) to the Members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution"; and

(*ii*) sub-section (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

As per section 2(2) of the Hindu Succession Act, 1956, the provisions of this Act do not apply to the Members of any Scheduled Tribe within the meaning of clause 25 of article 366 of the Constitution. This creates unjust situation wherein the members of the Scheduled Tribes, irrespective of gender, are not legally entitled to an equal share in their father's/ Hindu Undivided Family properties. Such discrimination is antithetical to article 14 of the Constitution which time and again have been clarified by the Hon'ble Supreme Court at the Madras High Court.

The Bill, therefore, seeks to amend the Hindu Succession Act, 1956 with a view to provide equal rights to members of Schedule Tribes irrespective of gender difference on the property of their father's/Hindu Undivided Family properties.

NEW DELHI;
July 04, 2023.

GAUTHAM SIGAMANI PON

BILL NO. 103 OF 2023

A Bill further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 2023.

(*2*) It shall come into force on such date, as the Central Government may, by notificatiol in the Official Gazette, appoint.

Insertion of new section 4A.

20 of 1957.

2. After section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the following new section shall be inserted, namely:—

Exclusion of Vadaseri and East Sethiahope lignite blocks and Michaelpatti in the State of Tamil Nadu from operation of coal mining.

"4A. Notwithstanding anything contained in section 4 of the Act, the Central Government shall, as soon as may be, by issuing a notification, exclude coal mining activities in,—

(*i*) Vadaseri and East Sethiathope lignite blocks which fall in the zone protected under the Tamil Nadu Protected Agriculture Zone Development Act, 2020; and

(*ii*) Michaelpatti which falls in a major paddy growing area adjoining a very fertile part of the Cauvery delta.".

STATEMENT OF OBJECTS AND REASONS

The Vadaseri and East of Sethiathope lignite blocks all in the zone protected under the Tamil Nadu Protected Agriculture Zone Development Act, 2020 and Michaelpatti falls in a major paddy growing area adjoining a very fertile part of the Cauvery delta. The Government's unilateral move to auction three coal blocks in above areas had the potential to cause considerable disquiet in the delta, the main food producing area in the State of Tamil Nadu. The Tamil Nadu Protected Agriculture Zone Development Act, 2020, prevents the exploitation of coal bed methane.

Hence this Bill.

NEW DELHI;
July 4, 2023.

GAUTHAM SIGAMANI PON

BILL NO. 110 OF 2023

A Bill to provide for the protection of privacy and security in the Indian telecommunication sector, establish a comprehensive framework for the collection, storage, and use of personal data by telecom service providers, in accordance with the principles of transparency, users rights and consent and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, and commencement.

1. (*1*) This Act may be called the Indian Telecom (Privacy and Security) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:

(*a*) "Authority" means the Data Protection Authority as designated by the Central Government under the provisions of this Act;

(*b*) "automated" means any digital process capable of operating automatically in response to instructions given or otherwise for the purpose of processing data;

(*c*) "business data" means data collected and processed by entities for commercial or business purposes, including customer data, financial transaction data, marketing data, and any other data related to the operations of a business entity;

(*d*) "consent" means any freely given, specific, informed, and unambiguous indication of the user's agreement to the processing of their personal data;

(*e*) "data" means a representation of information, facts, concepts, opinions or instructions in a manner suitable for communication, interpretation or processing by humans or by automated means;

(*f*) "data fiduciary" means any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data;

(*g*) "data principal" means the individual to whom the personal data relates and where such individual is a child includes the parents or lawful guardian of such a child;

(*h*) "data processor" means any person who processes personal data on behalf of a Data Fiduciary;

(*i*) "Data Protection Officer" means an individual appointed as such by a Significant Data Fiduciary under the provisions of this Act;

(*j*) "gain" means—

(*i*) a gain in property or a supply of services, whether temporary or permanent; or

(*ii*) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration.

(*k*) "harm", in relation to a Data Principal, means—

(*i*) any bodily harm; or

(*ii*) distortion or theft of identity; or

(*iii*) harassment; or

(*iv*) prevention of lawful gain or causation of significant loss;

(*l*) "loss" means—

(*i*) a loss in property or interruption in supply of services, whether temporary or permanent; or

(*ii*) a loss of an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration.

(*m*) "National Data" means data collected and processed by public entities or authorized agencies in the interest of national security, public safety, or for the purpose of fulfilling legal obligations or public functions;

(*n*) "person" includes—

(*i*) an individual;

(*ii*) a Hindu Undivided Family;

(*iii*) a company;

(*iv*) a firm;

(*v*) an association of persons or a body of individuals, whether incorporated or not;

(*vi*) the State; and

(*vii*) every artificial juristic person, not falling within any of the preceding sub-clauses;

(*o*) "personal data" means information relating to an identified or identifiable individual, including but not limited to name, address, contact details, identification numbers, biometric data, financial information, health information and sensitive personal information;

(*p*) "personal data breach" means any unauthorised processing of personal data or accidental disclosure, acquisition, sharing, use, alteration, destruction for loss of access to personal data, that compromises the confidentiality, integrity or availability of personal data.

(*q*) "prescribed" means prescribed by Rules made under the provisions of this Act;

(*r*) "processing" in relation to personal data means an automated operation or set of operations performed on digital personal data, and may include operations such as collection, recording, organisation, structuring, storage, adaptation, alteration, retrieval, use, alignment or combination, indexing, sharing, disclosure by transmission, dissemination or otherwise making available, restriction, erasure or destruction;

(*s*) "proceeding" means any action taken by the Board under the provisions of this Act; and

(*t*) "public data" means information that is publicly available and accessible, including data published by Government agencies, public institutions, or made available by individuals through public channels, such as social media profiles;

(*u*) "public interest" means in the interest of any of the following:—

(*i*) sovereignty and integrity of India;

(*ii*) security of the State;

(*iii*) friendly relations with foreign States;

(*iv*) maintenance of public order;

(*v*) preventing incitement to the commission of any cognizable offence relating to the preceding sub-clauses; and

(*vi*) preventing dissemination of false statements of facts.

(*v*) "Telecom service provider" means any person or entity engaged in providing telecommunication services to the public, including voice, data, or any other form of communication service;

(*w*) "User" means any person who avails or has availed of the services provided by a telecom service provider;

CHAPTER II

PRIVACY AND DATA PROTECTION

Telecom Service Providers to adopt Privacy Principles.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every telecom service provider to adopt and implement privacy policies and practices that ensure the protection of users' privacy, in line with nationally recognized privacy principles.

(*2*) The privacy policy under sub-section (*1*) shall be transparent, easily accessible, and written in clear and concise language.

(*3*) Every Telecom service providers shall obtain explicit consent from users for the collection, processing, and storage of their personal data in such manner as may be prescribed.

User rights.

4. Every User shall have the right to,—

(*a*) access his personal data held by telecom service providers and rectify any inaccuracies or errors;

(*b*) withdraw consent for the processing of his personal data, subject to the provisions of this Act;

(*c*) request the erasure or deletion of his personal data when it is no longer necessary for the purpose it was collected or processed; and

(*d*) data portability, allowing him to transfer his personal data from one telecom service provider to another.

Data breach notification.

5. (*1*) Every Telecom service provider shall establish a mechanism to promptly detect and report any unauthorized access, use or disclosure of personal data, commonly referred to as data breaches in such manner as may be prescribed.

(*2*) For the purpose of sub-section (1), the telecom service provider shall, in case of a data breach, notify the affected users without undue delay with relevant information about the breach and the measures taken or to be taken to mitigate the adverse effects of such data breach in such manner as may be prescribed.

(*3*) The data breach notification under sub-section (2) shall be issued promptly and without undue delay after the detection of the data breach, taking into account the nature and severity of the breach and the potential risks to individuals.

(*4*) The data breach notification process under sub-section (1) shall include the following elements, namely:—

(A) Identification and assessment under which every telecom service provider shall,—

(*i*) promptly investigate and assess the scope, impact, and causes of the data breach; and

(*ii*) determine the types of data affected, the number of individuals impacted, and the potential risks associated with the breach.

(B) Notification to affected individuals under which every telecom service provider shall,—

(*i*) notify affected individuals without undue delay, providing clear and concise information about the breach, the types of data involved, potential risks, and recommended steps to mitigate harm; and

(*ii*) ensure that the notification is accessible, written in plain language, and delivered through appropriate communication channels.

(C) Notification to Relevant Authorities under which every telecom service provider shall notify the appropriate regulatory authorities, such as the designated Data Protection Authority, about the breach, providing comprehensive details of the incident, including the nature of the breach, the affected data, and the measures taken to address the breach and mitigate harm.

(D) Collaboration with Law Enforcement under which every telecom service provider shall,—

(*i*) cooperate with law enforcement agencies in cases where criminal activity is suspected or involved in the data breach; and

(*ii*) provide necessary information and assistance to support investigations and prosecution.

(E) Remediation Measures under which every telecom service provider shall take immediate steps to contain and remediate the breach, including closing security vulnerabilities, restoring affected systems, and implementing measures to prevent similar incidents in the future.

(F) Communication with Third Parties under which every telecom service provider shall,—

(*i*) assess and communicate the breach to relevant third parties, such as business partners or service providers, whose data may have been compromised or impacted by the breach; and

(*ii*) collaborate with the parties concerned to ensure coordinated response and protection of shared data.

(*5*) For the purpose of this Act, every telecom service provider shall,—

(*a*) maintain records of all data breaches, including their causes, impact, and remedial actions taken which shall be made available for review by the designated Data Protection Authority under section 11; and

(*b*) periodically review and update their data breach notification mechanisms to ensure their effectiveness in responding to evolving threats and privacy risks, past incidents and best practices shall be incorporated into the continuous improvement of breach response procedures.

(*6*) The designated Data Protection Authority under section 11 shall after receipt of records of data breach by the telecom service provider provide guidance and support to entities regarding data breach notification obligations, best practices for incident response, and the Coordination of breach-related activities to ensure consistency and effectiveness in protecting individuals' rights and interests.

(*7*) Any non-compliance with data breach notification requirements under this Act may result in penalties, fines, or other appropriate sanctions imposed by the designated Regulatory Authority, reinforcing the importance of timely and transparent communication in the event of a breach.

Central Government to conduct public awareness campaign.

6. The Central Government shall,—

(*a*) conduct public awareness and education campaigns to inform individuals about their rights and actions to take in the event of a data breach in such manner as may be prescribed; and

(*b*) encourage telecom service providers, industry associations, and relevant stakeholders to share information, best practices, and insights regarding data breach prevention, detection, and response, thereby fostering a collective effort in safeguarding data privacy and security.

CHAPTER III

ENCRYPTION STANDARDS AND DATA SECURITY MEASURES

Encryption Standards and Data Security Measures.

7. (*1*) The Central Government shall, by notification in the Official Gazette, establish robust encryption standards for effective data security measures in the Indian telecommunication sector to recognize the importance of safeguarding personal data and upholding the privacy rights of individuals in such manner as may be prescribed.

(*2*) The encryption standard established under sub-section (i) shall,—

(*a*) outline the significance of encryption and other security measures focused on the protection of personal data;

(*b*) require telecom service providers to implement encryption standards that align with the secure transmission and storage of personal data to protect it from unauthorized access and interception;

(*c*) mandate the use of strong encryption algorithms and key management practices to maintain the confidentiality and integrity of data throughout its lifecycle;

(*d*) prioritize the implementation of appropriate technical and organizational measures to safeguard personal information against unauthorized access, data breaches and misuse of sensitive data;

(*e*) involve the use of cryptographic keys to encode and decode data ensure that only authorized parties may access and understand the information; and

(*f*) enable the telecom service provider to meet their legal obligations by safeguarding personal data from unauthorized access and protecting individuals' privacy rights.

Telecom Service Providers to mitigate the impact of Data Breaches.

8. Every telecom service provider shall, in the event of a data breach, promptly notify affected individuals to mitigate the potential harm caused by the unauthorized access to their data.

Encouraging Data Security Best Practices.

9. The Central Government shall encourage telecom service provider to adopt best practices in data security including the implementation of encryption technologies to protect personal data, fostering trust with customers and partners improve their overall data management processes and secure handling of data, streamlining data management procedures, and enhancing the efficiency of data handling within the Indian telecommunications sector.

Security safeguards.

10. (*1*) Every telecom service provider shall implement appropriate technical and organizational measures to protect personal data against unauthorized access, disclosure, alteration, or destruction including encryption, access controls, firewalls, and regular security audits.

(*2*) Every telecom service provider shall ensure that their employees and contractors adhere to strict security protocols.

CHAPTER IV

COMPLIANCE AND ENFORCEMENT

Data Protection Authority.

11. (*1*) The Central Government shall designate the Telecom Regulatory Authority of India (TRAI) as Data Protection Authority to oversee the implementation and enforcement of privacy and data protection policies in the Indian telecommunications sector, in coordination with the State and Union territory authorities.

(*2*)The Data Protection Authority designated under sub-section (*1*) shall collaborate

with the State and Union territory authorities to formulate and implement regulations and guidelines that ensure the protection of privacy and data security in the telecommunications industry, taking into account the specific requirements and concerns of each region.

(*3*) The Data Protection Authority, in collaboration with the State and Union Territory authorities, shall,—

(*a*) monitor and assess the compliance of telecom service providers with privacy and data protection regulations at the regional level;

(*b*) investigate complaints and reports of privacy violations within their respective jurisdictions, including unauthorized access, use or disclosure of personal data;

(*c*) conduct audits and inspections of telecom service providers' data protection practices in coordination with the State and Union territory authorities;

(*d*) impose penalties, fines, or other appropriate sanctions on non-compliant telecom service providers in accordance with the regional regulations and guidelines;

(*e*) collaborate with the State and Union territory authorities, other regulatory bodies, law enforcement agencies, and international organizations to address privacy and data protection issues at the regional and national levels;

(*f*) promote public awareness and education regarding privacy rights and the importance of data protection in the telecommunications sector, in coordination with the State and Union territory authorities;

(*g*) issue region specific guidelines, codes of practice and standards to ensure the effective implementation of privacy and data protection measures including guidelines for,—

(*i*) requirements for obtaining and managing user consent for the collection, processing, and storage of personal data, tailored to the regional context;

(*ii*) specifications for secure storage and transmission of personal data, including encryption standards, as per regional requirements;

(*iii*) protocols for data breach notifications and incident response mechanisms, ensuring coordination with the State and Union territory authorities;

(*iv*) the protection of user rights, such as the right to access, rectify and delete personal data aligned with regional privacy laws; and

(*v*) measures to ensure the privacy and security of communication services, including the prohibition of mass surveillance and the protection of encryption technologies, in coordination with the State and Union territory authorities.

(*h*) conduct regular assessments of the effectiveness of privacy and data protection policies at the regional and national levels; and

(*i*) make recommendations for improvements and updates to ensure their alignment with emerging privacy challenges, regional requirements, and technological advancements.

(*4*) The Data Protection Authority designated under sub-section (*i*) shall have the necessary powers and resources, in coordination with the State and Union territory authorities, to fulfill its responsibilities effectively.

(*5*) The Data Protection Authority may appoint such members of personnel with expertise in privacy, data protection, and telecommunications at the regional level to support its functions in such manner as may be prescribed.

(*6*) The Central Government shall provide the Data Protection Authority and the regional authorities with the independence and autonomy required to carry out their duties effectively and ensure that the Data Protection Authority and the regional authorities operate transparently and are accountable to the public and stakeholders.

(*7*) The Data Protection Authority, in coordination with the State and Union territory authorities, shall maintain a proactive approach to privacy and data protection by collaborating with industry stakeholders, academia, and civil society organizations at the regional and national level to help stay abreast of emerging technologies, best practices, and evolving privacy concerns specific to each region.

(*8*) The Central Government, in consultation with the State and Union territory authorities shall periodically review the performance and effectiveness in such manner as may be prescribed.

CHAPTER V

PRIVACY AND PROTECTION AGAINST MASS SURVEILLANCE

Prohibition of Mass Surveillance.

12. (*1*) No telecom service provider shall engage in or facilitate any form of mass surveillance of users communications, including the bulk collection, interception, or monitoring of personal data without the consent of the lawful authority.

(*2*) Any requests for interception or monitoring of personal data shall be based on lawful grounds and subject to judicial review.

Transparency in Government Surveillance.

13. (*1*) The Central Government shall ensure transparency in government surveillance activities by issuing an annual report that provides information on the number and nature of surveillance requests made by government agencies.

(*2*) The report shall also include details regarding the legal basis for the surveillance, the duration of surveillance and the measures taken to protect the privacy and security of personal data.

Judicial Review.

14. (*1*) Any request for interception or monitoring of personal data by government agencies shall require prior authorization from a competent judicial authority, in accordance with the principles of due process and proportionality.

(*2*) The judicial authority shall review the necessity and proportionality of the surveillance request, taking into consideration the potential impact on privacy rights and the existence of alternative means to achieve the legitimate objective.

Protection of Whistleblowers.

15. (*1*) Any whistleblowers who disclose information related to unlawful surveillance practices shall be protected from any form of retaliation or prosecution.

(*2*) It shall be the responsibility of the Central to establish a Whistleblower protection mechanism to encourage individuals to come forward and report any violations of privacy rights in the context of mass surveillance.

Safeguarding Communication Encryption.

16. No telecom service provider shall be compelled to introduce vulnerabilities or weaken encryption technologies in their communication services.

Oversight and Accountability.

17. (*1*) The Data Protection Authority shall have the power to,—

(*a*) investigate any complaints or reports related to violations of privacy rights, including unauthorized mass surveillance;

(*b*) impose penalties and sanctions on telecom service providers found guilty of engaging in unlawful mass surveillance practices; and

(*c*) conduct audits and assessments to ensure compliance with privacy regulations and the protection of citizens' rights.

International Cooperation.

18. (*1*) The Central Government shall actively engage in international cooperation to address cross border surveillance issues and promote the protection of privacy rights in the global context.

(*2*) For the purpose of sub-section (1), bilateral and multilateral agreements shall be established by the Central Government to facilitate information sharing and cooperation in investigating and combating unlawful mass surveillance activities.

CHAPTER VI

ETHICAL AND MIXED LICENSING

Ethical Licensing Framework.

19. The Central Government shall, in order to promote ethical practices in the telecommunications sector, establish a framework for ethical licensing to ensure that telecom service providers adhere to ethical standards, including transparency, accountability and responsible business conduct.

Eligibility Criteria for Ethical Licensing.

20. Every telecom service provider seeking ethical license under section 19 shall meet specific eligibility criteria, which may include:—

(*a*) demonstrated commitment to user privacy and data protection;

(*b*) compliance with relevant ethical guidelines and codes of conduct;

(*c*) Implementation of measures to mitigate environmental impact and promote sustainability;

(*d*) support for social causes and corporate social responsibility initiatives.

Obligation and Responsibilities of Ethically Licensed Providers.

21. Every ethically licensed telecom service providers shall,—

(*a*) adopt transparent and fair business practices;

(*b*) protect user privacy and confidentiality;

(*c*) safeguard personal data in accordance with applicable privacy laws and regulations;

(*d*) promote digital inclusivity and accessibility for all users;

(*e*) contribute to environmental sustainability efforts; and

(*f*) support social initiatives, community development, and digital literacy programmes.

Mixed Licensing Framework.

22. The Central Government shall, in recognition of the benefits of public and private collaboration in the telecommunications sector, establish a frame work for mixed licensing for partnerships between public and private entities to promote efficient and inclusive provision of telecommunication services.

Public-Private Partnership.

23. (*1*) The Central Government may enter into partnerships with private entities for the provision of telecommunication services, subject to transparent and competitive bidding processes.

(*2*) The terms and conditions of public-private partnerships under sub-section (1) shall be clearly defined, ensuring accountability, fair competition and in public interest.

Benefits and Responsibilities of Mixed License Holders.

24. (*1*) The mixed license holders shall have the access to public infrastructure, spectrum allocation, or financial incentives.

(*2*)The mixed license holders shall bear certain responsibilities, including:—

(*a*) complying with regulatory requirements and standards;

(*b*) Ensuring fair pricing and quality of services;

(*c*) protecting user privacy and data in accordance with applicable laws; and

(*d*) contributing to the development of telecommunications infrastructure in underserved areas.

Review and Monitoring.

25. (*1*) The Data Protection Authority shall review and monitor the compliance of ethical and mixed license holders with their obligations and responsibilities.

(*2*) For the purpose of sub-section(1), regular audits, inspections and reporting mechanisms shall be implemented to ensure adherence to ethical standards and regulatory requirements.

Revocation of Ethical and Mixed Licenses.

26. (*1*) The Ethical or mixed licenses issued under this Act may be revoked in cases of non-compliance with the prescribed obligations and responsibilities.

(*2*) The revocation process shall include due process, including notice, an opportunity to be heard and appeal mechanisms.

Promotion and Recognition.

27. (*1*) The Central Government shall establish mechanisms to recognize and promote ethical and mixed license holders who demonstrate exceptional commitment to ethical practices, sustainability and social responsibility.

(*2*) The recognition under sub-section (1) may include awards, incentives or preferential treatment in public procurement processes.

Collaboration and Knowledge Sharing.

28. (*1*) The Ethical and mixed license holders shall be encouraged to collaborate and share best practices to further enhance ethical standards, technological advancements and social impact in the telecommunications sector.

(*2*) For the purpose of sub-section (*1*), platforms and forums may be established to facilitate knowledge exchange and foster innovation among ethical and mixed license holders.

CHAPTER VII

COLLECTION, STORAGE AND PROCESSING OF DATA BY TELECOM PUBLIC SERVICE PROVIDER

Basis for lawful Data Collection.

29. Every telecom service provider shall collect data, including personal, public, business and national data, based on the consent of the data subject, compliance with legal obligations, performance of a contract, protection of vital interests, public interest or legitimate interests pursued by the entity or a third party.

Notice and Transparency.

30. (*1*) Every telecom service provider shall provide clear and concise notices to individuals at the time of data collection, informing them about the purposes, legal basis, categories of data collected, data retention period and any third parties with whom the data may be shared.

(*2*) The notices and sub-section (*1*) shall contain the details about the rights the individuals have over their data, including the right to access, rectify, erase, restrict processing, data portability, and object to the processing of their personal data.

Consent and Withdrawal.

31. (*1*) Every telecom service provider shall obtain voluntarily given, specific, informed and un-ambiguous consent from individuals before collecting their data, unless an alternative lawful basis applies including obtaining consent for the collection, storage and processing of personal, public, business and national data.

(*2*) The Individuals shall have the right to withdraw their consent at any time and the telecom service provider shall respect and facilitate the withdrawal process.

Data Storage, Security and Confidentiality.

32. (*1*) Every telecom service provider shall implement appropriate technical and organizational measures to ensure the security and confidentiality of the data they collect,store, and process applicable to personal, public, business and national data.

(*2*) The Data under sub-section (1) shall be stored in a manner that prevents unauthorized access, accidental loss, destruction, alteration, or disclosure and encryption,

access controls, regular security assessments and other relevant security measures shall be employed to safeguard data in such manner as may be prescribed.

Data Retention.

33. (*1*) Every telecom service provider shall retain data, including personal, public, business and national data as it deems necessary to fulfill the purposes for which it was collected, unless a longer retention period is required or permitted by law.

(*2*) Every telecom service provider shall establish data retention policies that are proportionate, considering the nature of the data, legal requirements, legitimate business needs and any specific provisions related to public or national data and once the intention period expires, the data shall be deleted.

CHPATER VIII

MISCELLANEOUS

Non-Discrimination and Equality.

34. No telecom service provider shall discriminate against users based on their personal characteristics, including but not limited to race, religion, gender or sexual orientation, in the provision of services or the processing of personal data.

Public Awareness and Education in mass surveillance.

35. The Central Government shall undertake public awareness campaigns to educate citizens about their privacy rights, the risks associated with mass surveillance and the measures they may take to protect their privacy online.

Central Government to provide funds.

36. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Authority for carrying out the purposes of this Act.

Act not to be in derogation of other Laws.

37. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Power to remove difficulties.

38. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

39. (*1*) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In recent years, there has been a growing emphasis on privacy and data protection globally. In India, the right to privacy was recognized as a fundamental right by the Supreme Court in the landmark Puttaswamy judgment. By establishing and maintaining an independent and empowered Data Protection Authority requires substantial financial resources. Robust compliance and enforcement mechanisms are essential for ensuring adherence to privacy regulations. Effective public awareness and education initiatives will play a crucial role in promoting a privacy-conscious culture. By investing in privacy, India can foster a secure and trusted digital environment, promote innovation, and enhance the rights and trust of its citizens.

Data security measures are crucial in maintaining the confidentiality, integrity, and availability of personal data. In an increasingly interconnected world, where threats to data privacy are ever-present, organizations must prioritize the implementation of appropriate technical and organizational measures to safeguard personal information. These measures protect against unauthorized access, data breaches, and misuse of sensitive data.

Encryption is a fundamental data protection technique that converts sensitive information into an unintelligible format, rendering it unreadable to unauthorized individuals. By employing encryption, organizations can maintain the confidentiality and integrity of personal data, thereby bolstering data security and protecting individuals' privacy rights.

Implementing encryption measures brings several benefits to organizations and individuals within the Indian telecommunications sector. First and foremost, encryption also acts as a powerful deterrent to potential attackers, as encrypted data remains unreadable and unusable without the appropriate decryption keys.

Encryption plays a crucial role in minimizing the impact of data breaches by ensuring that even if data is compromised, it remains secure and protected from unauthorized use. This significantly reduces the risks associated with data breaches and enhances the trust individuals place in organizations handling their data.

Compliance with encryption standards and other data security measures outlined in the Indian Telecom Privacy and Security Bill is essential for organizations operating within the telecommunications sector.

Compliance demonstrates a commitment to protecting personal data and upholding individuals' privacy rights. Organizations that adhere to the prescribed encryption standards, employ robust encryption technologies, and implement effective data security measures can demonstrate their accountability and responsibility in handling sensitive information.

The Bill emphasizes the need for continual evaluation and improvement of data security measures. As technology evolves and new threats emerge, organizations must remain vigilant and adapt their encryption standards.

Hence this Bill

NEW DELHI;
July 04, 2023.

RITESH PANDEY

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides for the appointment of members of personnel with expertise in privacy, data protection, and telecommunications at the regional level to support the functions of the Data Protection Authority. Clause 36 provides that the Central Government shall under public awareness campaigns to educate citizens about their privacy rights and risks associated with mass Surveillance alongwith the measures they may take to protect their privacy online. Clause 36 provides for the grant of funds by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 39 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 286 OF 2022

A Bill further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Citizenship (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (*1*), in clause (*b*), after sub-clause (*ii*), the following second proviso shall be inserted, namely: 57 of 1955.

"Provided further that any person belonging to the Tamil community from Sri Lanka, who entered into India after 1st day of July, 1983 shall not be treated as illegal migrant for the purposes of this Act."

Amendment of the Third Schedule.

3. In the Third Schedule to the principal Act, in clause (d), in the proviso, for the words "Bangladesh or Pakistan", the words "Bangladesh or Pakistan and any person belonging to the Tamil community in Sri Lanka" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act, 1955 (57 of 1955) was enacted to provide for the acquisition and determination of Indian citizenship. It is a historical fact that trans-border migration of Tamil population has been taking place continuously to the territories of India from the areas comprised in Sri Lanka since the wake of the Sri Lankan Civil War. Tens of thousands of Sri Lankan Tamils have fled to India to seek shelter and continued to stay in India even if their travel documents have expired or they have incomplete or no documents. According to the records of the Ministry of Home Affairs, there are over 92,000 Sri Lankan Tamil refugees residing in Tamil Nadu as of 2021.

Under the existing provisions of the Citizenship Act, migrants belonging to the Tamil community from Sri Lanka who entered into India without valid travel documents or if the validity of their documents has expired are regarded as illegal migrants and ineligible to apply for Indian citizenship under section 5 or section 6 of the Act.

The Bill seeks to grant immunity to the migrant of the aforesaid Sri Lankan Tamil community so that any proceedings against them regarding in respect of their status of migration or citizenship does not bar them from applying for Indian citizenship. The competent authority, to be prescribed under the Act, shall not consider any proceedings initiated against such persons regarding their status as illegal migrant or their citizenship matter while considering their application under section 5 or section 6 of the Act, if they fulfil all the conditions for grant of citizenship.

Many persons of Indian origin including persons belonging to the said minority community from the Sri Lanka have been applying for citizenship under section 5 of the Citizenship Act, 1955 but they are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation under section 6 of the said Act, which, *inter alia,* prescribe twelve years residency as a qualification for naturalisation in terms of the Third Schedule to the Act. This denies them many opportunities and advantages that may accrue only to the citizens of India, even though they are likely to stay in India permanently. Therefore, it is proposed to amend the Third Schedule to the Act to make applicants belonging to the Tamil community from Sri Lanka eligible for citizenship by naturalisation if they can establish their residency in India for five years instead of the existing eleven years.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
July 13, 2022

KALANIDHI VEERASWAMY

BILL NO. 13 OF 2023

A Bill to amend the Emigration Act, 1983.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Emigration (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new Chapter IIA.

31 of 1983.

2. After section 8 of the Emigration Act, 1983 (hereinafter referred to as the principal Act), the following Chapter and sections thereunder shall be inserted, namely:—

"CHAPTER IIA

WELFARE OF EMIGRANTS

Central Government to access the details of emigrants.

8A. The Central Government shall undertake or cause to be undertaken, specially in the countries where there are substantial number of emigrants, with a view to assess the following in regard to emigrants:—

(*a*) access to basic human rights;

(*b*) access to healthcare facilities including emergency service;

(*c*) access to social protection schemes of the destination country;

(*d*) access to legal support services in cases of despite resolution with the recruiting agent; and

(*e*) access to timely grievance redressal.

Register of Records of Emigrants.

8B. The Central Government shall prepare and maintain a register of records containing the details of emigrants and their dependent in such manner as may be prescribed.

Formulation of Welfare Schemes for Emigration.

8C. (*1*) The Central Government shall formulate and implement welfare schemes for emigrants in such manner as may be prescribed.

(*2*) Without prejudice to the generality of the foregoing procession, such schemes shall provide for,—

(a) old age protection;

(b) life insurance;

(c) disability coverage;

(d) skill upgradation; and

(e) such other measures as the Central Government may consider necessary.

Constitution of Emigrants Welfare Fund.

8D. (*1*) The Central Government shall, by notification in the official gazette, constitute a Fund to be known as the Emigrants Welfare Fund for carrying out the purposes of this Act.

(*2*) The Central Government shall, after due appropriation made by Parliament by law in this behalf grants such sums of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act.

(*3*) The Fund shall be utilized for the purposes of implementation of welfare schemes formulated under section 8D.".

Amendment of section 24.

3. In section 24 of the principal Act, in sub-section (1), for the words "two years and with fine which may extend to two thousand rupees", the words "twenty five years and with fine which may extend to rupees five lakh" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Indians have a long history of migration to many parts of the world like Australia, Canada, UAE, United Kingdom and the USA. Post-Independence, migrants have taken up jobs in almost all professions ranging from semi-skilled work in the construction industry to highly skilled jobs as doctors and engineers. Today, India has the world's largest diaspora community. Data suggest that India's diaspora communities are in as many as 110 countries where they have not just secured jobs but are as successful as to become CEOs of companies and start-ups such as Google LLC & Alphabet Inc, Microsoft and Adobe. These emigrants have contributed to not only the economic development of their host countries but have equally benefited India. In 2021, India received U.S. $87 billion in official remittances which was the world's largest such flow, amounting to nearly fifteen per cent of all global transfers to low and middle-income countries, as noted by the World Bank.

But the growing number of Indian migrants overseas has proportionately heightened the number of issues faced by them. The highly skilled population from India as per Government data migrates to countries like the UK, USA and Canada, where they have time and again faced racially motivated attacks. Indians moving for tech-based jobs have been exploited with low wages, long working hours and sometimes lawsuits for quitting the job. As per an independent report, Indian workers in the US are also being sued for quitting their jobs.

Many Indian migrants comprising semi-skilled and unskilled workers migrated to Gulf countries to work in construction and oil factories. These emigrants under Emigrant Check Required (ECR) migrate for a considerable number of years under contract. They are particularly vulnerable due to their socio-economic and occupational status. Over years Ministry of External Affairs has received many complaints from emigrants for pending wages, absence of any social support, language barriers, discrimination for being foreign, and poor living conditions.

While the Ministry of External Affairs has been looking after the emigrants' affairs as directed in the Emigration Act of 1983. However, the core issues of safety and welfare of emigrants is still to be addressed majorly because the Ministry does not maintain data on Indian citizens going abroad for migration. Without proper data, effective address of the issues of such a large Indian diaspora spread across countries is not possible. Further, it has attained limited success in regulating the agents who deceive migrants by overpricing visas and incomplete information about the contract period, salary, overtime and related details. The Indian Government has so far not institutionalized any permanent mechanism and resources with host countries to evacuate its workers in case of emergency. The evacuation of 1-2 million workers in a limited time becomes not only tough but also a security challenge.

This Bill, therefore, seeks to amend the Emigration Act, 1983 with a view to address the emigrants' issues pertaining to social security and healthcare and also prioritize maintaining robust data of all the Indian emigrants for better-informed decisions and fastening their grievance redressal mechanism. It also provides for constitution of an Emigrant Welfare Fund for the welfare of emigrants.

Hence this Bill.

NEW DELHI;
November 24, 2022.

KALANIDHI VEERASWAMY

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 8B provides for the Central Government to prepare and maintain a register of records containing the details of emigrants and their dependants. It further *vide* proposed section 8D provides for the constitution of Emigrants Welfare Fund. It also provides for the Central Government to provide sums to the Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum.

A non-recurring expenditure of about rupees fifty crores is also likely to be involved from the Consolidated Fund of India.

BILL NO. 86 OF 2023

A Bill to provide for enhancement of livelihood security in the urban regions of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteers to do the given work and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Pingali Venkayya National Urban Employment Guarantee Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires:—

(*a*) "adult" means a person who has completed eighteen years of age;

(*b*) "applicant" means the head of a household or any of its other adult members who has applied for employment under the Scheme;

(*c*) "Central Council" means the Central Urban Employment Guarantee Council constituted under sub-section (*1*) of Section 10;

(*d*) "household" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(*e*) "implementing agency" includes any department of the Central Government or a State Government, any urban local authority or Government undertaking or non-governmental organisation authorised by the Central Government or the State Government to undertake the implementation of any work taken up under a Scheme;

(*f*) "manual work" means any physical work which any adult person is capable of doing with or without any skill or special training;

(*g*) "minimum wage" in relation to any area, means the minimum wage fixed by the State Government in accordance with the section 6 of the Code on Wages, 2019; 29 of 2019.

(*h*) "National Urban Fund" means the National Urban Employment Guarantee Fund established under sub-section (*1*) of section 20;

(*i*) "notification" means a notification published in the Official Gazette;

(*j*) "preferred work" means any work which is taken up for implementation on a priority basis under a Scheme;

(*k*) "prescribed" means prescribed by rules made under this Act;

(*l*) "Programme Coordinator" means an officer of the State Government designated as such under sub-section (*1*) of section 14 for implementation of the Scheme;

(*m*) "Programme Officer" means an officer appointed under sub-section (*1*) of section 15 for implementing the Scheme;

(*n*) "project" means any work taken up under a Scheme for the purpose of providing employment to the applicants;

(*o*) "Scheme" means a Scheme notified by the State Government under sub- section (*1*) of section 4;

(*p*) "semi-skilled work" means any physical work which any adult person may be capable of doing with little training or as specified by Union or State Government;

(*q*) "State Council" means the State Urban Employment Guarantee Council established under sub-section (*1*) of section 12;

(*r*) "State Urban Fund" means the State Urban Employment Guarantee Fund established under sub-section (*1*) of section 21;

(*s*) "urban area" means any area in a State as those areas covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force;

(*t*) "urban local body" means institution of self-Government constituted under article 243 Q of the Constitution; and

(*u*) "wage rate" means the wage rate referred to in Section 6;

CHAPTER II

GUARANTEE OF EMPLOYMENT

Guarantee of Employment in Urban Areas.

3. (*1*) Save as otherwise provided, the State Government shall, in such urban area in the State as may be notified by the Central Government, provide to every household whose adult members, by application, volunteer to do manual or semi- skilled work not less than one hundred days of such work in a financial year in accordance with the Scheme made under this Act.

(*2*) Every person who has done the work given to him under the Scheme shall be entitled to receive wages at the wage rate for each day of work.

(*3*) Save as otherwise provided in this Act, the disbursement of daily wages shall be made on a weekly basis or in any case not later than a fortnight after the date on which such work was done.

(*4*) The Central Government or the State Government may, within the limits of its economic capacity and development, make provisions for securing work to every adult member of a household under a Scheme for any period beyond the period guaranteed under sub-section (1), as may be expedient.

CHAPTER III

EMPLOYMENT GUARANTEE SCHEME AND UNEMPLOYMENT ALOWANCE

Employment Guarantee Scheme and Unemployment Allowance.

4. (*1*) For the purposes of giving effect to the provisions of section 3, every State Government shall, within six months from the date of commencement of this Act, by notification, make a Scheme for providing one hundred days of guaranteed employment in a financial year to every household in the urban areas covered under the Scheme and whose adult members, by application, volunteer to do manual or semi-skilled work subject to the conditions laid down by or under this Act.

(*2*) The State Government shall publish a summary of the Scheme made by it in at least two local newspapers, one of which shall be in a vernacular language circulating in the area or areas to which such Scheme shall apply.

(*3*) The Scheme made under sub-section (*1*) shall provide for the minimum features specified in Schedule I.

Conditions for providing guaranteed employment.

5. (*1*) The State Government may, without prejudice to the conditions specified in Schedule II, specify in the Scheme the conditions for providing guaranteed employment under this Act.

(*2*) The persons employed under any Scheme made under this Act shall be entitled to such facilities not less than the minimum facilities specified in Schedule II.

29 of 2019.

Wage Rate.

6. Notwithstanding anything contained in the Code on Wages, 2019, the State Government(s) may, by notification, specify the wage rate for the purposes of this Act:

Provided that the wage rate specified shall not be less than floor wage which the Central Government may, by notification, specify for the purposes of this Act.

Provided further that the wage rate specified from, time to time, under any such notification shall not be at a rate less than one hundred and seventy-six rupees per day for the manual work and two hundred and seventy-six rupees per day for the semi-skilled work.

Payment of Unemployment Allowance.

7. (1) If an applicant for employment under the Scheme is not provided such employment within fifteen days of receipt of his application seeking employment or from the date on which the employment has been sought in the case of advance application, whichever is later, he shall be entitled to adaily unemployment allowance in accordance with this section.

(*2*) Subject to such terms and conditions of eligibility as may be prescribed by the State Government and subject to the provisions of this Act and the Schemes and the economic capacity of the State Government, the unemployment allowance payable under sub-section (1) shall be paid to the applicants of a household subject to the entitlement of the household at such rate as may be specified by the State Government, by notification, in consultation with the State Council:

Provided that no such rate shall be less than one-third of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.

(*3*) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as—

(*a*) the applicant is directed by the Urban Local Body or the Programme Officer to report for work either by himself or depute at least one adult member of his household; or

(*b*) the period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment; or

(*c*) the adult members of the household of the applicant have received in total at least one hundred days of work within the financial year; or

(*d*) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

(*4*) The unemployment allowance payable to the household of an applicant shall be sanctioned and disbursed by the Programme Officer.

(*5*) Every payment of unemployment allowance under sub-section (*1*) shall be made or offered not later than fifteen days from the date on which it became due for payment.

(*6*) The State Government may prescribe the procedure for payment of unemployment allowance under this Act.

Non-disbursement of unemployment allowance in certain circumstances.

8. (*1*) If the Programme Officer is not in a position to disburse the unemployment allowance in time or at all for any reason beyond his control, he shall report the matter to the District Programme Coordinator and announce such reasons in a notice to be displayed on his notice board or website and the notice board or website of the Urban Local Body and such other conspicuous places as he may deem necessary.

(*2*) Every case of non-payment or delayed payment of unemployment allowance shall be reported in the annual report submitted by the Programme Coordinator to the State Government along with the reasons for such non-payment or delayed payment.

(*3*) The State Government shall take all measures to make the payment of unemployment allowance reported under sub-section (*1*) to the concerned household as expeditiously as possible.

Disentitlement to receive unemployment allowance in certain circumstances.

9. An applicant who—

(*a*) does not accept the employment provided to his/her household under a Scheme; or

(*b*) does not report for work within fifteen days of being notified by the Programme Officer or the implementing agency to report for the work; or

(*c*) continuously remains absent from work, without obtaining a permission from the concerned implementing agency for a period of more than one week or remains absent for a total period of more than one week in any month,

shall not be eligible to claim the unemployment allowance payable under this Act for a period of three months but shall be eligible to seek employment under the Scheme at any time.

CHAPTER IV

IMPLEMENTING AND MONITORING AUTHORITIES

Central Urban Employment Guarantee Council.

10. (1) With effect fromsuch date as the Central Government may, by notification specify, there shall be constituted a Central Council to be called the Central Urban Employment Guarantee Council to discharge the functions and perform the duties assigned to it by or under this Act.

(*2*) The headquarters of the Central Council shall be at Delhi.

(*3*) The Central Council shall consist of the following members to be appointed by the Central Government, namely:—

(a) a Chairperson;

(*b*) not more than such number of representatives of the Central Ministries not below the rank of Joint Secretary to the Government of India as may be determined by the Central Government;

(*c*) not more than such number of representatives of the State Government as may be determined by the Central Government as may be determined by the Central Government;

(*d*) not more than fifteen non-official members representing Urban Local Bodies, organizations of workers and disadvantaged groups:

Provided that not less than one-third of the non-official members nominated under this clause shall be women:

Provided further that not less than one-third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities;

(*e*) such number of representatives of the States as the Central Government may, by rules, determine in this behalf;

(*f*) a Member-Secretary not below the rank of Joint Secretary to the Government of India.

Functions and Duties of Central Council.

11. (*1*) The Central Council shall perform and discharge the following functions and duties, namely:—

(*a*) establish a central evaluation and monitoring system;

(*b*) advise the Central Government on all matters concerning the implementation of this Act;

(*c*) review the monitoring and redressal mechanism from time to time and recommend improvements required;

(*d*) promote the widest possible dissemination of information about the Schemes made under this Act;

(*e*) monitoring the implementation of this Act;

(*f*) preparation of annual reports to be laid before Parliament by the Central Government on the implementation of this Act;

(*g*) any other duty or function as may be assigned to it by the Central Government.

(*2*) The Central Council shall have the power to undertake evaluation of the various Schemes made under this Act and for that purpose collect or cause to be collected statistics pertaining to the urban economy and the implementation of the Schemes.

State Urban Employment Guarantee Council.

12. (1) For the purposes of regular monitoring and reviewing the implementation of this Act at the State level, every State Government shall constitute a State Council to be known as the (name of the State) State Employment Guarantee Council with a Chairperson and such number of official members as may be determined by the State Government and not more than fifteen non-official members nominated by the State Government from Urban Local Bodies, organisations of workers and disadvantaged groups:

Provided that not less than one-third of the non-official members nominated under this clause shall be women:

Provided further that not less than one third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities.

(*2*) The terms and conditions subject to which the Chairperson and members of the State Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the State Council shall be such as may be prescribed by the State Government.

(*3*) The duties and functions of the State Council shall include—

(*a*) advising the State Government on all matters concerning the Scheme and its implementation in the State;

(*b*) determining the preferred works;

(*c*) reviewing the monitoring and redressal mechanisms from time to time and recommending improvements;

(*d*) promoting the widest possible dissemination of information about this Act and the Schemes under it;

(*e*) monitoring the implementation of this Act and the Schemes in the State and coordinating such implementation with the Central Council;

(*f*) preparing the annual report to be laid before the State Legislature by the State Government;

(*g*) any other duty or function as may be assigned to it by the Central Council or the State Government.

(*4*) The State Council shall have the power to undertake an evaluation of the Schemes operating in the State and for that purpose to collect or cause to be collected statistics pertaining to the urban economy and the implementation of the Schemes and Programmes in the State.

Principal Authorities for planning and implementation of Schemes.

13. (1) The Urban Local Bodies shall be the principal authorities for planning and implementation of the Schemes made under this Act.

(2) The Urban Local Bodies shall,—

(*a*) finalize and approve shelf of projects to be taken up under a programme under the Scheme;

(*b*) supervise and monitor the projects taken up; and

(*c*) carry out such other functions as may be assigned to it by the State Council, from time to time.

District Programme Coordinator.

14. (*1*) The Collector of the district or any other district level officer of appropriate rank as the State Government may decide shall be designated as the District Programme Coordinator for the implementation of the Scheme in the district.

(*2*) The District Programme Coordinator shall be responsible for the implementation of the Scheme in the district in accordance with the provisions of this Act and the rules made thereunder.

(*3*) The functions of the District Programme Coordinator shall be—

(*a*) to assist the Urban Local Bodies in discharging its functions under this Act and any scheme made thereunder;

(*b*) to accord necessary sanction and administrative clearance wherever necessary;

(*c*) to coordinate with the Programme Officers functioning within his jurisdiction and the implementing agencies to ensure that the applicants are provided employment as per their entitlements under this Act;

(*d*) to review, monitor and supervise the performance of the Programme Officers;

(*e*) to conduct periodic inspection of the works in progress; and

(*f*) to redress the grievances of the applicants.

(*4*) The State Government shall delegate such administrative and financial powers to the District Programme Coordinator as may be required to enable him to carry out his functions under this Act.

(*5*) The Programme Officer appointed under sub-section (*1*) of section 15 and all other officers of the State Government and local authorities and bodies functioning within the district shall be responsible to assist the District Programme Coordinator in carrying out his functions under this Act and the Schemes made thereunder.

(*6*) The District Programme Coordinator shall prepare in the month of December every year a labour budget for the next financial year containing the details of anticipated demand for manual or semi-skilled work in the district and the plan for engagement of labourers in the works covered under the Scheme and submit it to the State Government.

Programme Officer.

15. (1) Forevery State, the concerned Government shall appoint aperson who is not below the rank of Joint Secretary with such qualifications and experience as may be determined by the State Government as Programme Officer.

(*2*) The Programme Officer shall assist the Urban Local Body in discharging its functions under this Act and any Scheme made thereunder.

(*3*) The Programme Officer shall be responsible for matching the demand for employment with the employment opportunities arising from projects in the area under his jurisdiction.

(*4*) The Programme Officer shall prepare a plan for the Urban Local Body under his jurisdiction by consolidating the project proposals received.

(*5*) The functions of the Programme Officer shall include—

(*a*) monitoring of projects taken up by the Urban Local Body and other implementing agencies within the Block;

(*b*) sanctioning and ensuring payment of unemployment allowance to the eligible households;

(*c*) ensuring prompt and fair payment of wages to all labourers employed under a programme of the Scheme within the Block;

(*d*) ensuring that regular social audits of all works within the jurisdiction of the Urban Local Body are carried out by the Gram Sabha and that prompt action is taken on the objections raised in the social audit;

(*e*) dealing promptly with all complaints that may arise in connection with the implementation of the Scheme within the jurisdiction; and

(*f*) any other work as may be assigned to him by the District Programme Coordinator or the State Government.

(*6*) The Programme Officers shall function under the direction, control and superintendence of the District Programme Coordinator.

(*7*) The State Government may, by order, direct that all or any of the functions of a Programme Officer shall be discharged by the Urban Local Body.

Responsibilities of the Urban Local Bodies.

16. (*1*) The Urban Local Body shall be responsible for identification of the projects in the Urban area to be taken up under a Scheme and for executing and supervising such works.

(*2*) A Urban Local Body may take up any project under a Scheme within the Urban area as may be sanctioned by the Programme Officer.

(*3*) Every Urban Local Body shall, prepare a development plan and maintain a shelf of possible works to be taken up under the Scheme as and when demand for work arises.

(*4*) The Urban Local Body shall forward its proposals for the development projects including the order of priority between different works to the Programme Officer for scrutiny and preliminary approval prior to the commencement of the year in which it is proposed to be executed.

(*5*) The Programme Officer shall allot at least fifty per cent, of the works in terms of its cost under a Scheme to be implemented through the Urban Local Body.

(*6*) The Programme Officer shall supply each Urban Local Body with:

(*a*) the muster rolls for the works sanctioned to be executed by it; and

(*b*) a list of employment opportunities available elsewhere to the residents of the Urban Local Body.

(*7*) The Urban Local Body shall allocate employment opportunities among the applicants and ask them to report for work.

(*8*) The works taken up by an Urban Local Body under a Scheme shall meet the required technical standards and measurements.

Social Audit of work.

17. (*1*) The Urban Local Body shall monitor the execution of works within the Urban area.

(*2*) The Urban Local Body shall conduct regular social audits of all the projects under the Scheme taken up within the Urban area.

(*3*) The Urban Local Body shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Urban area for the purpose of conducting the social audit.

Responsibilities of State Governments.

18. The State Government shall make available to the District Programme Coordinator and the Programme Officers necessary staff and technical support as may be necessary for the effective implementation of the Scheme.

Grievance Redressal Mechanism.

19. The State Government shall, by rules, determine appropriate grievance redressal mechanisms for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints.

CHAPTER V

ESTABLISHMENT OF NATIONAL AND STATE URBAN EMPLOYMENT GUARANTEE FUNDS AND AUDIT

National Urban Employment Guarantee Fund.

20. (1) The Central Government shall, by notification, establish a National Urban Fund to be called the National Urban Employment Guarantee Fund for the purposes of this Act.

(2) The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants or loans such sums of money as the Central Government may consider necessary to the National Urban Fund.

(3) The amount standing to the credit of the National Urban Fund shall be utilised in such manner and subject to such conditions and limitations as may be prescribed by the Central Government.

State Urban Employment Guarantee Fund.

21. (1) The State Government may, by notification, establish a State Urban Fund to be called the State Urban Employment Guarantee Fund for the purposes of implementation of the Scheme.

(*2*) The amount standing to the credit of the State Urban Fund shall be expended in such manner and subject to such conditions and limitations as may be prescribed by the State Government for the purposes of implementation of this Act and the Schemes made thereunder and for meeting the administrative expenses in connection with the implementation of this Act.

(*3*) The State Urban Fund shall be held and administered on behalf of the State Government in such manner and by such authority as may be prescribed by the State Government.

Funding Pattern.

22. (*1*) Subject to the rules as may be made by the Central Government in this behalf, the Central Government shall meet the cost of the following, namely:—

(*a*) the amount required for payment of wages for unskilled manual work under the Scheme;

(*b*) up to three-fourths of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;

(c) such percentage of the total costof the Scheme as may be determined by the Central Government towards the administrative expenses, which may include the salary and allowances of the Programme Officers and his supporting staff, the administrative expenses of the Central Council, facilities to be provided under Schedule II and such other item as may be decided by the Central Government.

(*2*) The State Government shall meet the cost of the following, namely:—

(*a*) the cost of unemployment allowance payable under the Scheme;

(*b*) one-fourth of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;

(*c*) the administrative expenses of the State Council.

Transparency and Accountability.

23. (*1*) The District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilisation and management of the funds placed at their disposal for the purpose of implementing a Scheme.

(*2*) The State Government may prescribe the manner of maintaining proper books and accounts of employment of labourers and the expenditure incurred in connection with the implementation of the provisions of this Act and the Schemes made thereunder.

(*3*) The State Government may, by rules, determine the arrangements to be made for the proper execution of Schemes and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes.

(*4*) All payments of wages in cash and unemployment allowances shall be made directly to the person concerned and in the presence of independent persons of the community on pre-announced dates.

(*5*) If any dispute or complaint arises concerning the implementation of a Scheme by the Gram Panchayat, the matter shall be referred to the Programme Officer.

(*6*) The Programme Officer shall enter every complaint in a complaint register maintained by him and shall dispose of the disputes and complaints within seven days of its receipt and in case it relates to a matter to be resolved by any other authority it shall be forwarded to such authority under intimation to the complainant.

Audit of Accounts.

24. (*1*) The Central Government may, in consultation with the Comptroller and Auditor General of India, prescribe appropriate arrangements for audits of the accounts of the Schemes at all levels.

(*2*) The accounts of the Scheme shall be maintained in such form and in such manner as may be prescribed by the State Government.

CHAPTER V

MISCELLANEOUS

Penalty for non-compliance.

25. Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees.

Power to delegate.

26. (*1*) The Central Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or such officer subordinate to the Central Government or the State Government as it may specify in such notification.

(*2*) The State Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules and Schemes) may, in such circumstances and subject to such conditions and limitations, be exercisable also by such officer subordinate to it as it may specify in such notification.

Power of Central Government to give directions.

27. (*1*) The Central Government may give such directions as it may consider necessary to the State Government for the effective implementation of the provisions of this Act.

(*2*) Without prejudice to the provisions of sub-section (*1*), the Central Government may, on receipt of any complaint regarding the issue or improper utilisation of funds granted under this Act in respect of any Scheme *if prima facie* satisfied that there is a case, cause ·an investigation into the complaint made by any agency designated by it and if necessary, order stoppage of release of funds to the Scheme and institute appropriate remedial measures for its proper implementation within a reasonable period of time.

Act to have overriding effect.

28. The provisions of this Act or the Schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law:

Provided that where a State enactment exists or is enacted to provide employment guarantee for unskilled manual or semi-skilled work to urban households consistent with the provisions of this Act under which the entitlement of the households is not less than and the conditions of employment are not inferior to what is guaranteed under this Act, the State Government shall have the option of implementing its own enactment:

Provided further that in such cases the financial assistance shall be paid to the concerned State Government in such manner as shall be determined by the Central Government, which shall not exceed what the State would have been entitled to receive under this Act had a Scheme made under this Act had to be implemented.

Power to amend Schedules.

29. (*1*) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II and thereupon Schedule I or Schedule II, as the case may be, shall be deemed to have been amended accordingly;

(*2*) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

Protection of action taken in good faith.

30. No suit, prosecution or other legal proceedings shall lie against the District Programme Coordinator, Programme Officer or any other person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code, 1860 in respect of anything which is in good faith done or intended to be done under this Act or the rules or Schemes made thereunder.

Power of Central Government to make rules.

31. (*1*) The Central Government may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(*2*) In particular, and without the prejudice of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the number of representatives of the State Governments under clause (e) of sub-section (*3*) of section 10;

(*b*) the terms and conditions subject to which the Chairman and other members of the Central Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council, under sub-section (*4*) of section 10;

(*c*) the manner in which and the conditions and limitations subject to which the National Fund shall be utilised under sub-section (3) of section 20;

(*d*) the rules relating to funding pattern to meet the cost of certain items under sub-section (1) of section 22; or

(*e*) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

Power of State Governments to make rules.

32. (*1*) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the terms and conditions upon which eligibility for unemployment allowance may be determined under sub-section (*2*) of section 7;

(*b*) the procedure for payment of unemployment allowance under sub-section (*6*) of section 7;

(*c*) the terms and conditions subject to which the Chairperson and members of the State Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of their appointment to the State Council, under sub-section (*2*) of section 12;

(*d*) the grievance redressal mechanism at the Block level and the District level and the procedure to be followed in such matter under section 19;

(*e*) the manner in which and the conditions and limitations subject to which the State Fund shall be utilised under sub-section (*2*) of section 21;

(*f*) the authority who may administer and the manner in which he may hold the State Fund under sub-section (*3*) of section 21;

(*g*) the manner of maintaining books of account of employment of labourers and the expenditure under sub-section (*2*) of section 23;

(*h*) the arrangements required for proper execution of Schemes under sub-section (*j*) of section 23;

(*i*) the form and manner in which the accounts of the Scheme shall be maintained under sub-section (*2*) of section 24; or

(*j*) any other matter which is to be, or may be, prescribed or in· respect of which provision is to be made by the State Government by rules.

Laying of rules and schemes.

33. (*1*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall have thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*2*) Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

Power to remove difficulties.

34. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE FIRST SCHEDULE

[*See* Section 4(*3*)]

MINIMUM FEATURES OF THE URBAN EMPLOYMENT GUARANTEE SCHEME

1. The focus of the Scheme shall be on the following works, with no order of priority:

(i) Waste Collection, Disposal and Management;

(ii) Water Supply and Harvesting;

(iii) Housing;

(iv) Sewage and Septage Management

(v) Enhancement of Green Spaces;

(vi) Land development;

(vii) Flood control and protection works including drainage in water logged areas;

(viii) Heritage augmentation; and

(ix) any other work which may be notified by the Central Government in consultation with the State Government.

2. Creation of durable assets and strengthening the livelihood resource base of the urban poor shall be an important objective of the Scheme.

3. The works taken up under the scheme shall be in urban areas.

4. The State Council shall prepare a list of preferred works for different areas based on their ability to create durable assets.

5. The Scheme shall be subject to appropriate arrangements as may be laid down by the State Government under the rules issued by it for proper maintenance of the public assets created under the Scheme.

6. Under no circumstances shall the labourers be paid less than the minimum wage rate.

7. When wages are directly linked with the quantity of work, the wages shall be paid according to the schedule of rates fixed by the State Government for different types of work every year, in consultation with the State Council.

8. The schedule of rates of wages for unskilled labourers shall be so fixed that a person working for seven hours would normally earn a wage equal to the wage rate.

9. The cost of material component of projects including the wages of the skilled and semi-skilled workers taken up under the Scheme shall not exceed forty per cent. of the total project costs.

10. It shall be open to the Programme Officer or the Urban Local Body to direct any person who applied for employment under the Scheme to do work of any type permissible under it.

11. The Scheme shall not permit engaging any contractor for implementation of the projects under it.

12. As far as practicable, a task funded under the Scheme shall be performed by using manual labour and not machines except sewage and septage Management.

13. Every Scheme shall contain adequate provisions for ensuring transparency and accountability at all level of implementation.

14. Provisions for regular inspection and supervision of works taken up under the Scheme shall be made to ensure proper quality of work as well as to ensure that the total wages paid for the completion of the work is commensurate with the quality and quantity of work done.

15. The District Programme Coordinator, the Programme Officer and the Urban Local Body implementing the Scheme shall prepare annually a report containing the facts and figures and achievements relating to the implementation of the Scheme within his or its jurisdiction and a copy of the same shall be made available to the public on demand and on payment of such fee as may be specified in the Scheme.

16. All accounts and records relating to the Scheme shall be made available for public scrutiny and any person desirous of obtaining a copy or relevant extracts therefrom may be provided such copies or extracts on demand and after paying such fee as may be specified in the Scheme.

17. A copy of the muster rolls of each Scheme or project under a Scheme shall be made available in the offices of the Urban Local Body and the Programme Officer for inspection by any person interested after paying such fee as may be specified in the Scheme.

THE SECOND SCHEDULE

[*See* Section 5]

CONDITIONS FOR GUARANTEED URBAN EMPLOYMENT UNDER THE SCHEME AND MINIMUM ENTITLEMENTS OF LABOURERS

1. The adult members of every household who reside in any urban area; and are willing to do unskilled manual or semi-skilled work, may submit their names, age and the address of the household to the Urban Local Body in the jurisdiction of which they reside for registration of their household for issuance of a job card.

2. It shall be the duty of the Urban Local Body to register the household, after making such enquiry as it deems fit and issue a job card containing such details of adult members of the household affixing their photographs, as may be specified by the State Government in the Scheme.

3. The registration made under paragraph 2 shall be for such period as may be laid in the Scheme, but in any case, not less than five years, and may be renewed from time to time.

4. Every adult member of a registered household whose name appears in the job card shall be entitled to apply for unskilled manual or semi-skilled work under the Scheme.

5. All registered persons belonging to a household shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as in any days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.

6. The Programme Officer shall ensure that every applicant referred to in paragraph 5 shall be provided unskilled manual or semi-skilled work in accordance with the provisions of the Scheme within fifteen days of receipt of an application or from the date he seeks work in case of advance application, whichever is later:

Provided that priority shall be given to women in such a way that at least one-third of the beneficiaries shall be women who have registered and requested for work under this Act.

7. Applications for work must be for at least fourteen days of continuous work.

8. There shall be no limit on the number of days of employment for which a person may apply, or on the number of days of employment actually provided to him subject to the aggregate entitlement of the household.

9. Applications for work may be submitted in writing either to the Gram Panchayat or to the Programme Officer, as may be specified in the Scheme.

10. The Urban Local Body and Programme Officer, as the case may be, shall be bound to accept valid applications and to issue a dated receipt to the applicant. Group applications may also be submitted.

11. Applicants who are provided with work shall be so intimated in writing, by means of a letter sent to him at the address given in the job card and by a public notice displayed at the office of the Panchayats at the district, intermediate or village level.

12. As far as possible, employment shall be provided within a radius of five kilometres of the village where the applicant resides at the time of applying.

13. A new work under the Scheme shall be commenced only if—

(a) at least fifty labourers become available for such work; and

(b) the labourers cannot be absorbed in the ongoing works.

14. In cases the employment is provided outside such radius, the labourers shall be paid ten per cent. of the wage rate as extra wages to meet additional transportation and living expenses.

15. Aperiod of employment shall ordinarily be at least fourteen days continuously with not more than six days in a week.

16. In all cases where unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the District Programme Coordinator in writing the reasons why it was not possible for him to provide employment or cause to provide employment to the applicants.

17. The District Programme Coordinator shall, in his Annual Report to the State Council, explain as to why employment could not be provided in cases where payment of unemployment allowance is involved.

18. Provision shall be made in the Scheme for advance applications, that is, an application which may be submitted in advance of the date from which employment is sought.

19. Provision shall be made in the Scheme for submission of multiple applications by the same person provided that the corresponding periods for which employment is sought do not overlap.

20. The Urban Local Body shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and passbooks issued, name, age and address of the head of the household and the adult members of the household registered with the Urban Local Body.

21. The Urban Local Body shall send such list or lists of the names and addresses of households and their adult members registered with it and supply such other information to the concerned Programme Officer at such periods and in such form as may be specified in the Scheme.

22. A list of persons who are provided with the work shall be displayed on the notice board of the Urban Local Body and at the office of the Programme Officer and at such other places as the Programme Officer may deem necessary and the list shall be open for inspection by the State Government and any person interested.

23. If the Urban Local Body is satisfied at any time that a person has registered with it by furnishing false information, it may direct the Programme Officer to direct his name to be struck off from the register and direct the applicant to return the job card:

Provided that no such action under this paragraph shall be directed unless the applicant has been given an opportunity of being heard in the presence of two independent persons.

24. If any personal injury is caused to any person employed under the Scheme by accident arising out of and in the course of his employment, he shall be entitled to, free of charge, such medical treatment as is admissible under the Scheme.

25. Where hospitalization of the injured worker is necessary, the State Government shall arrange for such hospitalization including accommodation, treatment, medicines and payment of daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.

26. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an ex-gratia payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and the amount shall be paid to the legal heirs of the deceased or the disabled, as the case may be.

27. The facilities of safe drinking water, shade for children and periods of rest, first-aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work being performed shall be provided at the work site.

28. In case the number of children below the age of six years accompanying the women working at any site is five or more, provisions shall be made to depute one of such women workers to look after such children.

29. The person deputed under paragraph 28 shall be paid wage rate.

30. In case the payment of wages is not made within the period specified under the Scheme, the labourers shall be entitled to receive payment of compensation as per the provisions of the Code on Wages, 2019.

31. The wages under a Scheme may be paid either wholly in cash or in cash and kind provided that at least one-fourth of the wages shall be paid in cash only.

32. The State Government may prescribe that a portion of the wages in cash may be paid to the labourers on a daily basis during the period of employment.

33. If any personal injury is caused by accident to a child accompanying any person who is employed under a Scheme, such person shall be entitled to, free of charge, such medical treatment for the child as may be specified in the Scheme and in case of death or disablement, through an ex-gratia payment as may be determined by the State Government.

34. In case of every employment under the Scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Industrial Relations Code, 2019, shall be complied with.

STATEMENT OF OBJECTS AND REASONS

Mahatma Gandhi National Rural Employment Guarantee Act was enacted in the year 2005, as one of the largest work guarantee programmes to guarantee one hundred days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work, thereby aiming to address the causes of chronic poverty through a rights-based framework.

However, with the impact of COVID-19 being largely concentrated on urban centres of the economy, which contribute nearly sixty-five percent to India's GDP, urban poverty as a form of poverty that is particularly visible in mega cities, characterized by poor living circumstances and income has been aggravated.

With seventeen percent of urban households being slum dwellers, increasing inequalities and urban poverty ratios have a possibility of leading up to ghettoization of communities and rise in crime rates. In view of the above, it has become necessary to enact a legislation to ensure Urban Employment Guarantee.

The Bill inter alia, seeks to,—

(a) provide for one hundred days of guaranteed wage employment to every household whose adult members volunteer to do unskilled manual work, or in addition, semi-skilled work to prepare a scheme to give effect to the guarantee proposed under the legislation;

(b) ensure that every State Government, within six months from the date of commencement of this legislation, prepare a scheme to give effect to the guarantee proposed under the legislation;

(c) provide one-hundred days of employment under the legislation at the wage rate as specified by the State Governments which shall not be less than the floor wage as specified by the Central Government in accordance with the Code on Wages, 2019;

(d) ensure that if an eligible applicant is not provided work as per the provisions of this legislation within the prescribed time limit, it will be obligatory on the part of the State Government to pay unemployment allowance at the prescribed rate;

(e) constitute a Central Urban Employment Guarantee Council at the Central level and State Urban Employment Guarantee Councils at the State level in all States where the legislation is made applicable to for review, monitor and effective implement the legislation in their respective areas;

(f) empower the Central Government to establish a National Urban Employment Guarantee Fund for the purposes of this legislation and also the State Governments to constitute National State Employment Guarantee Funds;

(g) make provisions for transparency and accountability, audit, establishment of grievance and redressal mechanisms and penalty of non-compliance are also envisaged; and

(h) make provisions for Minimum features of Urban Employment Guarantee Scheme and conditions for guaranteed Urban Employment under a scheme and minimum entitlements of labourers have been laid.

The Bill seeks to achieve the above objectives.

NEW DELHI;
March 15, 2023.

TALARI RANGAIAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State Government shall, in such urban area in the State and for such period as may be notified by the Central Government, provide to every poor household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the Scheme. Clause 7 provides that if an applicant for employment under the Scheme made under proposed legislation is not provided employment within fifteen days of receipt of his application, he shall be entitled to a daily unemployment allowance. Clause 10 provides for constitution of a Central Urban Employment Guarantee Council and for appointment of its members. Clause 12 provides for the Constitution of a State Urban Employment Guarantee Council. Clause 15 provides for appointment of Programme Officer for implementing the provisions in the municipalities. Clause 20 provides for establishment of the National Urban Employment Guarantee Fund. Clause 21 provides for establishment of the State Urban Employment Guarantee Fund. Clause 22 provides that the Central Government shall meet the administrative expenses of the Programme Officers and his supporting staff and the administrative expenses of the Central Council. The expenditure in relation to States shall be borne by the State Government concerned. However, the expenditure in relation to Union Territories shall be borne by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore is likely to be involved per annum.

A non-recurring expenditure of rupees fifty crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 31 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 231 OF 2022

A Bill further to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Motor Vehicles (Amendment) Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Amendment of section 8.

59 of 1988.

2. In section 8 of the Motor Vehicle Act, 1988, in sub-section (4), after the first proviso the following proviso shall be inserted, namely:—

"Provided further that the licensing authority shall not refuse to issue a learner's license to applicant affected by leprosy if such applicant has been certified by a registered medical practitioner as having either been cured of leprosy or having been administered with the first dose under Multi-Drug Therapy and with continuing treatment for leprosy being provided by such registered medical practitioner."

STATEMENT OF OBJECTS AND REASONS

Leprosy, caused by the bacteria Mycobacterium leprae, primarily affects the peripheral nervous system causing skin lesions, numbness, and other deformities. As per the latest data from National Leprosy Eradication Programme (NLEP), a total of 65,147 new leprosy cases were detected during the year 2020-21 in India. India accounts for over half of the world's new leprosy patients, according to World Health Organisation.

According to the 20th Law Commission report titled "Eliminating Discrimination against Persons Affected by leprosy" as of 2014, India accounts for fifty eight per cent. of the new leprosy cases in the world, leading the list of countries that have reported high figures of leprosy infection globally. Although leprosy may cause irreversible disabilities, with advances in medicine, it is now a completely curable disease that can be rendered non-infectious early on in treatment itself, through Multi-Drug Therapy, which has cured more than fifteen million persons over two decades alone. Government of India has undertaken programs to provide free-of-cost treatment to Persons affected by leprosy. A major obstacle to uplift the status of Persons affected by leprosy is the social stigma associated with leprosy. In many spheres of life, such persons continue to be outcast from society.

The United Nations Convention on the Rights of Persons with Disabilities, 2007 ("UNCRPD") promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. India has signed and ratified the UNCRPD, and is also a member of the UN General Assembly that unanimously passed the Resolution on the Elimination of Leprosy.

Despite the fact that the notable efforts have been made so far and have significantly improved the lives of many people affected by leprosy and their family members, the long-standing stigma associated with leprosy and the archaic laws that apply to them persist. Thus, in order to remove the stigma of leprosy and eliminate the discrimination that still exists in society, the laws that directly affect the individual must be revised.

In addition to the various laws that had been amended to eliminate discrimination, one such law is the Motor Vehicle Act of 1988, which does not grant license to the persons affected by leprosy. This need is to amend section 8 of the Motor Vehicle Act, 1988, as an exercise in affirmative action to accommodate the needs of people suffering from leprosy. The amendment makes the licensing authority liable to not deny a learner's license to any person affected by leprosy.

Hence this Bill.

NEW DELHI; UNMESH BHAIYYASAHEB PATIL

November 23, 2022.

BILL NO. 78 OF 2023

A Bill to amend the Code on Social Security, 2020.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Code on Social Security (Amendment) Act, 2023. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 15.

2. In section 15 of the Code on Social Security, 2020 (hereinafter referred to as principal Act), in sub-section (*1*), in clause (*b*), after sub-clause (*iii*) the following proviso shall be inserted, namely:— 36 of 2020.

"Provided that the Employees Pension Scheme shall be revised every five years to index for inflation or to be linked to the interest payable on Government Security in such manner as may be prescribed.

Explanation.— For the purposes of this clause,—"(*a*) "inflation" includes the rate of increase in the observed general price index between two time periods; and

(*b*) "Government Security" includes a tradable instrument issued by the Central Government or the State Governments acknowledge the Government's debt obligation towards short term (usually called treasury bills with original maturities of less than one year) or long term security (usually called Government bonds or dated securities with original maturity of one year or more).".

Substitution of new heading for heading.

3. In Chapter VIII of the principal Act, for the heading the following heading shall be substituted, namely:—

"SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING, OTHER CONSTRUCTION WORKERS AND INTER-STATE MIGRANT WORKERS".

Insertion of new section 108A.

4. After section 108 of the principal Act, the following section shall be inserted, namely:-

"108A. (1) There shall be constituted an Inter-State Migrant Workers Welfare Fund for the welfare of inter-state migrant workers and there shall be credited thereto—

(*a*) contribution from the States from where the inter-migrant worker has migrated;

(*b*) contribution from the States to which migrant worker has migrated;

(*c*) contribution from the principal employers; and

(*d*) minimum contribution from the inter-State migrant worker.

(*2*) The amount from the Inter-State Migrant Worker Welfare Fund shall exclusively be utilized for the welfare of inter-State migrant workers.".

STATEMENT OF OBJECTS AND REASONS

The Social Security Code (the Code), 2020 has been enacted to amend and consolidate the laws relating to social security with the goal to extend social security to all employees and workers either in the organized or unorganized or any other sectors. The Code has vital provisions with respect to social security benefits to workers including gig workers. India's obligation to provide a comprehensive social security cover for the workers may be traced to several provisions enshrined in the Constitution of India which include inter-alia securing equal pay for equal work for both men and women; directions pertaining to the State's responsibility for making effective provisions for assistance in cases of unemployment, old age, sickness and disablement; for securing just and humane conditions of work.

Pensions contribute to economic growth through a range of pathways at household, community and national levels. Within households, they are used for investing in children, tackling stunting and enabling them to attend and perform well in school, thereby helping them become a more effective and productive workforce. Pensioners and their families use the cash they receive to supplement in income generating activities while working age household members are better able to gain employment, increasing overall productivity of the labour force. They also enable households to recover their productivity more quickly following shocks.

Pension indexation affects the income of a large and increasing number of older people. Without indexation, benefit increases are subject to discretionary decisions by governments or pension authorities, implying that the value of a pension in payment depends on economic and political cycles. Therefore, section 15 of the Code has been amended to include inflation indexed pensions schemes.

Further, in the wake of the Covid-19 pandemic one of the issues that emerged is the conditions of the Inter-State Migrant Workers, their retention in job, food and ration facilities for them, etc. Therefore it is only imperative that a separate fund be created for the purpose of providing monetary support to Inter-state Migrant Workmen.

Hence this Bill.

NEW DELHI;
November 23, 2022.

UNMESH BHAIYYASAHEB PATIL

FINANCIAL MEMORANDUM

Clause 4 of the Bill vide proposed new section 108A provides for constitution of an Inter State Migrant Workers Welfare Fund for the purpose of welfare of inter-state migrant workers.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about one hundred crore is also likely to be involved.

BILL NO. 35 OF 2022

A Bill for combating and eliminating tuberculosis, and for the protection of the rights of patients affected by the tuberculosis disease and for matters connected therewith or incidental thereto.

WHEREAS the General Assembly of the United Nations has adopted the Sustainable Development Goals, which call for a reduction in tuberculosis- related deaths and the World Health Organization has adopted the End TB Strategy for a reduction in the incidence of Tuberculosis by 2035 through collective global efforts;

AND WHEREAS the Republic of India, being a signatory to the aforementioned Goals and Strategy, it is expedient to give effect to the said Goals and Strategy;

AND WHEREAS the Republic of India ratified the World Health Organisation Framework Convention on Tobacco Control in 2005;

AND WHEREAS the Republic of India has framed a National Strategic Plan for Tuberculosis Elimination 2017-2025.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Tuberculosis (Treatment and Eradication) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Aadhaar" means Aadhaar number issued by the Unique Identification Authority of India under sub-section (*3*) of section 3 of the Aadhaar (Targeted Delivery of Financial and other Subsidies Benefits and Services) Act, 2016;

(b) "annual report" means a report giving the details of developmental activities taken up over the year by the Authority and detailing about targets set and achieved;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government.

(d) "Authority" means the Tuberculosis Eradication Authority constituted under section 4;

(e) "company" means an entity registered under the Companies Act, 2013;

(f) "discrimination" means any act or omission which directly or indirectly, expressly or by effect, immediately or over a period of time,—

(i) imposes any burden, obligation, liability, disability or disadvantage on any person or category of persons, based on one or more tuberculosis-related grounds; or

(ii) denies or withholds any benefit, opportunity or advantage from any person or category of persons, based on one or more tuberculosis-related grounds, and the expression "discriminate" to be construed accordingly;

(g) "guidelines" means any statement or any other document issued by the Central Government indicating policy or procedure or course of action relating to tuberculosis to be followed by the Central Government, State Governments, Governmental and non-Governmental organisations and establishments and individuals dealing with prevention, control and treatment of tuberculosis;

(h) "Multi-drug Resistant Tuberculosis (MDR-TB)" means a strain of the tuberculosis bacteria resistant to two of the most effective anti- tuberculosis drugs available, isoniazid and rifampicin;

(i) "prescribed" means prescribed by the rules made under this Act;

(j) "tuberculosis" means an infectious disease caused by a bacterium, Mycobacterium Tuberculosis that is spread through the air;

(k) "tuberculosis-affected person" means an individual who is suffering from any strain of the tuberculosis disease; and

(l) "society" means an entity registered as society under the Societies Registration Act, 1860.

Prohibition of Discrimination.

3. No person shall discriminate against the tuberculosis-affected person on any ground including any of the following, namely:—

(a) the unfair treatment in, or in relation to employment or occupation;

(b) the denial or discontinuation of, or unfair treatment in, healthcare services;

(c) the denial or discontinuation of, or unfair treatment in educational establishments and services thereof;

(d) the denial or discontinuation of, or unfair treatment with regard to, the right of movement;

(e) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent or otherwise occupy, any property;

(f) the denial of access to, removal from, or unfair treatment in,

Government or private establishment in whose care or custody a person may be; and

(g) the isolation or segregation of a tuberculosis-affected person.

Constitution of the Tuberculosis Eradication Authority.

4. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette specify, there shall be constituted an Authority to be known as the Tuberculosis Eradication Authority for carrying out the purposes of this Act.

(2) The Authority shall consist of,—

(a) Minister of State, Union Ministry of Health and Family Welfare—Chairperson, *ex-officio*;

(b) Minister of State, Union Ministry of Women and Child Development—Vice-Chairperson, *ex-officio*;

(c) Director General of Health Services, Union Ministry of Health and Family Welfare—member, *ex-officio*;

(d) Secretaries of the Union Ministries of Women and Child Development, Health and Family Welfare and Statistics and Programme Implementation—members, *ex-officio*;

(e) Chairperson, National Commission for Women—member, *ex-officio;*

(f) Director, National Institute of Health and Family Welfare—member, *ex-officio*; and

(*g*) five doctors having expertise and with not less than thirty years of practice in the field of tuberculosis treatment to be appointed by the Central Government in such manner as may be prescribed.

(3) The Authority shall have a Secretariat consisting of such number of officers and staff as may be necessary for efficient discharge of its functions.

(*4*) The salary, allowances and terms of conditions of service of doctors appointed as members of the Authority and officers and staff of the Authority shall be such as may be prescribed.

(5) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

Functions of the Authority.

5. *(1)* The Authority shall discharge such functions as may be necessary for treatment, prevention and eradication of tuberculosis in the country.

(2) Without prejudice to the generality of forgoing provision, the Authority shall—

(a) formulate a Charter outlining its objectives along with roadmap to eradicate tuberculosis, within one year of its constitution;

(b) provide knowledge and information relating to control of tuberculosis to Tuberculosis Control Centres for disseminating it to people;

(c) within one year of constitution, undertake a baseline study to collect comprehensive data about causes of tuberculosis, risk factors and vulnerable population.

(d) direct the appropriate Government to assist in not necessary the baseline study;

(e) direct healthcare service providers to follow the standard tuberculosis diagnosis and treatment protocol; and

(f) undertake such other functions as may be assigned to it, from time to time for carrying out the purposes of this Act.

Tuberculosis Control Centre.

6. *(1)* It shall be the responsibility of the appropriate Government to set up, within one year of its coming into force of this Act, in every district a centre to be known as the Tuberculosis Control Centre.

(2) The Tuberculosis Control Centres shall provide free screening of tuberculosis and cost-free treatment to the patients.

Molecular Testing and daily dose of Multi- Drug Resistant (MDR-TB) Tuberculosis.

7. (*1*) The appropriate Government shall take measures for providing, as far as possible, Molecular Testing methods for diagnosis and daily dosage treatment for those living with Multi-Drug Resistant (MDR-TB) Tuberculosis, in particular.

(*2*) The Central Government shall issue and give wide publicity to the necessary guidelines in respect of protocols for tuberculosis relating to Molecular Testing and Daily Dosage treatment.

Availability of latest Anti-Tuberculosis Drugs.

8. The Central Government shall take steps to ensure the introduction and availability of the latest anti tuberculosis drugs in all public hospitals and Government-run pharmacies.

Enrolment under Aadhaar for Tuberculosis Patients seeking treatment.

9. The Central Government and every State Government shall take measures to ensure that every Tuberculosis-affected person is enrolled under Aadhaar to ensure unique identification of patients seeking care and facilitate direct benefit transfers under the welfare measures.

Healthcare coupons.

10. The appropriate Government shall also provide healthcare coupons to patients diagnosed with tuberculosis, which may be redeemed for cost-free treatment at private hospitals.

Mobile tuberculosis vans for active screening.

11. (*1*) The appropriate Government shall provide for mobile tuberculosis vans for active screening of tuberculosis, especially in remote rural areas.

(*2*) The Patients found tuberculosis positive on mobile screening, shall be referred to the nearest tuberculosis Control Centre for follow-up care and treatment.

Mobile tuberculosis vaccine immunization drive.

12. The appropriate Government shall undertake mobile tuberculosis immunization drive to vaccinate children who were either not vaccinated or underwent incomplete vaccination.

Air borne infection control in high risk areas.

13. The appropriate Government shall direct the concerned authorities to undertake air borne infection control in high risk and vulnerable areas.

Nutritional support to tuberculosis patients.

14. The appropriate Government shall provide additional nutritional support to tuberculosis patients at tuberculosis Control Centres, to incentivise patients to continue treatment and reduce drop outs.

15. Every registered company and society manufacturing and distributing tobacco related products, shall contribute five per cent. of their annual sales value towards research on new drugs and diagnostic tools for tuberculosis. Funding research on new drugs and diagnostic tools for tuberculosis.

16. The State Government shall provide extensive facilities at the primary health centres and tuberculosis Control Centres for diagnosis and treatment of drug resistant strain of tuberculosis. Facilities for treating drug resistant strain of tuberculosis.

17. *(1)* The appropriate Government shall undertake outreach activities to communicate to citizens of the factors contributing to tuberculosis, symptoms of tuberculosis and its ill effects, especially in rural areas. Outreach activities to increase awareness of tuberculosis.

(2) The nurses and the staff at the tuberculosis Control Centres shall educate the tuberculosis patients on the cough etiquette.

(3) The appropriate Government shall mobilise the local population in increasing awareness of tuberculosis in citizens.

18. The appropriate Government shall provide for tobacco cessation counselling services at all tuberculosis Control Centres. Tobacco cessation services.

19. The appropriate Government shall— Awareness in women of ill effects of tobacco consumption on reproductive health.

(a) undertake outreach and communication activities to increase awareness in women, especially in rural areas, of ill effects of tobacco consumption on their reproductive health and babies;

(b) provide for tobacco cessation counselling services at all antenatal clinics and primary health centres; and

(c) increase awareness in rural households about the lethal effect of indoor air pollution from chulhas, and undertake necessary steps to curb the same.

20. *(1)* The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has undertaken and recommended to the Government over the year and it shall contain statements of annual accounts of the Authority. Annual report and its laying before the Parliament.

(2) A copy of the report shall be forwarded to the Central Government, and the Central Government shall cause the report to be laid before each House of Parliament.

21. The Central Government, shall from time to time, provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act. Central Government to provide funds.

22. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty: Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

23. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,

both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Tuberculosis (TB), the second (after COVID-19) deadliest infectious killer, is caused by bacteria (Mycobacterium tuberculosis) that most often affect the lungs. It can spread when people who are sick with TB expel bacteria into the air – for example, by coughing. Most people who develop the disease are adults in 2020 – men accounted for 56 per cent of all TB cases, adult women accounted for 33 per cent and children for 11 per cent. Many new cases of TB are attributable to five risk factors which are: under-nutrition, HIV infection, alcohol use, (disorders) smoking and diabetes.

TB is preventable and curable. About 85 per cent of people who develop TB disease can be successfully treated with a 6-month drug regimen. Treatment has the added benefit of curtailing onward transmission of infection.

The COVID-19 pandemic has reversed years of global progress in tackling tuberculosis and for the first time in over a decade, TB deaths have increased, according to the World Health Organization's 2021 Global TB Report. Approximately, 1.5 million people died from TB in 2020 globally.

Reporting of tuberculosis (TB) cases in India went down by 41 per cent between 2019 and 2020 due to the COVID-19 pandemic, according to the World Health Organization's 2021 Global TB Report. In March 2021, an analysis by the Ministry of Health and Family Welfare revealed that notification of TB cases in India reduced by 25 per cent between January and December 2020 because of the lockdown and diversion of resources for COVID-19 control measures. In March, April and May 2020, TB case notifications in India dropped by 20.55 per cent, 63.47 per cent and 46.33 per cent respectively, according to the Nikshay database, a web-enabled patient management system for TB control under the Union Government's National TB Elimination Programme. During India's second COVID-19 wave in 2021, a similar trend was seen, with notifications beginning to decline by April 2021. As many as 1,16,645 cases were notified in April 2021, according to the Nikshay portal. India (26.2) was among the eight countries that accounted for over two-thirds of the global TB cases. India was also among the 10 countries making up 74 per cent of the global gap between estimated TB incidence and the number of people newly diagnosed with TB, according to the Global TB Report 2021. An estimated 1.48 million people died due to TB globally in 2020. India accounted for 34% of them. Deaths due to TB in the country also rose by 13% compared to 2019. Keeping all these points in view, a act is needed which ensures that proper treatment is given to Tuberculosis patients irrespective to other factors.

The proposed Bill provides for free screening and treatment of tuberculosis at tuberculosis Control Centres established at district level in every State, provision for healthcare coupons that can be redeemed at any private hospital for free tuberculosis related treatment and care, mobile tuberculosis vans for screening of tuberculosis in high risk population, especially in rural areas. Tuberculosis positive patients thus screened shall be referred to the nearest tuberculosis Control Centres for follow-up treatment and care. The Bill also directs the appropriate Government to undertake mobile tuberculosis immunization drive to vaccinate children and to undertake air borne infection control activities in areas vulnerable to disease. The Bill aims to reduce drop outs from treatment and increase the patients compliance, through provision of nutritional supplements at tuberculosis Control Centres. To fund research in new drugs and diagnostic tools for tuberculosis, the Bill mandates all private and government companies involved in manufacture and distribution of tobacco related products, to contribute five per cent of their annual sales value. The Bill has provision to mobilise local population to increase outreach to citizens about factors contributing to tuberculosis, symptoms of tuberculosis, cough etiquette. The Bill provides for active screening and extensive facilities for treatment of multi-drug resistant strain of tuberculosis at tuberculosis Control Centres.

Tobacco use is one of the main causes of tuberculosis, contributing to 7.9 per cent of tuberculosis related deaths in the country. Research has shown that providing tobacco

cessation services to tobacco users, has proved to reduce the disease burden of tuberculosis. Recognising tobacco as a major contributor to tuberculosis, the Bill provides for integration of tobacco cessation counselling services at all tuberculosis Control Centre. As per the World Health Organisation statistics, India is home to second highest number of women smokers globally. According to the National Family Health Survey-3, the proportion of children with low birth weight, is greater among children born to mothers who use tobacco. The Bill also has provision to educate women of the ill effects of tobacco consumption on their reproductive health, provide for tobacco cessation couselling services at all antenatal clinics and primary health centres. The Bill also provides for measures to curb indoor air pollution created by *chulhas* (used in rural areas for cooking purposes).

The Bill thus aims for the control, prevention and complete eradication of tuberculosis in the country.

Hence this Bill.

NEW DELHI;
January 18, 2022.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Tuberculosis Eradication Authority and also appointment of such number of officers and staff for its functioning. Clause 6 provides for establishment of Tuberculosis Control Centre. Clause 7 provides for molecular testing methods for diagnosis and daily dose of Multi-drug Resistant (MDR-TB) Tuberculosis. Clause 8 provides for introduction and availability of the latest anti- tuberculosis drugs in all public hospitals and Government- run pharmacies. Clause 10 provides for the cost-free screening and treatment of tuberculosis. Clause 11 provides for mobile tuberculosis vans for active screening of tuberculosis. Clause 12 provides for mobile tuberculosis immunization drive. Clause 14 provides for nutritional support to tuberculosis patients. Clause 15 provides for funding research on new drugs and diagnostic tools for tuberculosis. Clause 16 provides for facilities for treating drugs resistant strain of tuberculosis. Clause 21 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve recurring expenditure of three hundred crore rupees per annum which shall be charged from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make necessary rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 235 OF 2022

A Bill to provide for establishment of Tourism Development Board for the Development of tourism in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and Commencement.

1. (*1*) This Act may be called the Tourism Development Board Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the Tourism Development Board constituted under section 4; and

(b) "prescribed" means prescribed by rules made under this Act.

Declaration of an area as Tourist Destination.

3. *(1)* The Central Government may, if it is of the opinion that an area has tourism potential in view of its location, ancient or historical importance or natural beauty, it may, by notification in the Official Gazette, declare that area to be a tourist destination.

(2) An area declared under sub-section (*1*) as tourist destination shall be developed by the Board as per international standards.

Constitution of Tourism Development Board.

4. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Tourism Development Board for development of tourism destinations.

(2) The Board shall consist of—

(a) The Union Minister of Tourism who shall be Chairperson, *ex-officio;*

(b) The Union Minister of State in the Ministry of Tourism shall be Vice—Chairperson;

(c) The Minister of Tourism of States representing each State shall act as *ex-officio* member; and

(d) One member from each State having expertise in the field of tourism development, marketing and advertisement, to be nominated by the Central Government in consultation with State Government.

(3) The nominated members shall hold office for a period of three years.

(4) The salary and allowances payable to and other terms and conditions of nominated members shall be such as may be prescribed.

Appointment of Secretary and Chief Accounts Officer and other staff of the Board.

5. (*1*) The Central Government shall appoint the Secretary and the Chief Accounts Officer, respectively, of the Board in such manner as may be prescribed.

(*2*) The Secretary and the Chief Accounts Officer shall exercise such powers and perform such duties as may be specified by the Central Government.

(*3*) The Central Government shall provide such number of other officers and staff to the Board as may be required for its efficient functioning.

(*4*) The salary and allowances payable to and other terms and conditions of the officers and staff of the Board shall be such as may be prescribed.

Headquarter and other offices of the Board.

6. *(1)* The headquarters of the Board shall be at New Delhi.

(2) The Board shall have its State offices in every State capital or at such other places as it may deem fit for carrying out the purposes of this Act.

Meetings and procedure of the Board.

7. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings, as may be prescribed.

Constitution of a Tourism Development Board Fund.

8. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Tourism Development Board Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

Objectives of the Board.

9. The objects of the Board shall be—

(a) to promote and develop tourism;

(b) to improve and strengthen the existing infrastructure in and around ancient monuments, heritage sites and tourist destinations;

(c) to develop new tourist destinations with all basic amenities;

(d) to coordinate, support and interact with other departments and agencies for streamlining services and amenities in and around tourist destinations;

(e) to provide safety and security to tourists;

(f) to facilitate and enhance the experience of the tourists; and

(g) to publish in at least one local newspaper having circulation in that area for inviting objections and suggestions for development of a master plan of each tourist destination.

Master Plan for development of tourist destination.

10. The Board shall, as soon as may be, prepare a separate Master Plan for the development of each tourist destination:

The Board shall, before finalising a Master Plan, take into consideration all objections and suggestions from general public made under sub section 9(g).

Duties of the Board.

11. The Board shall—

(a) prepare a calendar of activities including annual festival, melas, haats to be organized in the each forthcoming financial year for the Development of tourism at different tourist destinations;

(b) advertise such activities as it considers necessary to promote tourism at different tourist destinations;

(c) interact once in three months with the stake holders including representatives of the hoteliers, local authorities, police, Archaeological Survey of India and the Tourism Department of the State Government concerned for proper co- ordination to develop and strengthen tourism infrastructure in and around tourist destinations in the area;

(d) provide amenities at such rate and in such manner to the visitors as may be notified by the Central Government in this regard;

(e) provide such other amenities as it may deem fit for the development of tourist destinations;

(f) recommend to the Central Government the measures to be taken for the development of tourist destinations;

(g) coordinate with the local authorities functioning in the area regarding any developmental work undertaken or to be undertaken in or around a tourist destinations; and

(h) maintain a website containing all essential information regarding the tourist destinations including hotels, monuments and heritage sites, tourist maps, help desk, district administration and tour operators with a view to provide necessary information and help to the tourists.

Central Government to issue directions.

12. The Central Government shall, from time to time, issue such directions to the Board, as may be necessary for carrying out the purposes of this Act.

Annual Report.

13. *(1)* The Board shall prepare every year an annual report in such form and manner, as may be prescribed by the Central Government, giving a full account of its activities during the previous year, and copies of the report shall be forwarded to the Central Government.

(2) A copy of the report forwarded under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

Power to delegate.

14. The Board may, by general or special order, direct that any power exercisable by it under this Act may be exercised by such officer or local Board in such cases and subject to such conditions as may be specified therein.

Removal of difficulty.

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not

inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

(i) provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act; and

(ii) every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

16. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The tourism sector in India is an integral part of the Make in India programme. The tourism industry in India plays a role of significant economic multiplier and becomes critical since India has to grow at rapid rates and create jobs.

The objectives of tourism development are to foster understanding between people, to create employment opportunities and bring about socio-economic benefits to the community, particularly in the interior and remote areas and to strive towards balanced and sustainable development and preserve, enrich and promote India's cultural heritage. One of the major objectives is the preservation and protection of natural resources and environment to achieve sustainable development. India offers geographical diversity, world heritage sites and niche tourism products like cruises, adventure, medical, eco-tourism, etc. Promotion programmes like Incredible India has spurred growth in Tourists' Arrivals and Employment.

India is currently ranked 54th in World Economic Forum's Travel and Tourism Development Index (2021). The Government has also said that the country's tourism sector will recover to the pre-pandemic level by mid-2024. The Centre also said that by 2030, the tourism sector will contribute $250 billion to the country's Gross Domestic Product (GDP).

By 2047, the country intends to achieve $1 trillion through the tourism sector — a sector that was worst affected by the corona virus pandemic.

Since Tourism is a multi-sectoral activity and the industry is affected by many other sectors of the national economy. To achieve $1 trillion target, the State has to ensure inter-governmental linkages and coordination.

There are still a large number of places in India which have got immense tourist potential, but due to various reasons the potential could not be best utilized. Though, Incredible India programme has increased inflow of tourists, India still stands at 54th ranking which shows lack of facilities and amenities for the tourists.

Whether it is Central Government or State Government, development of tourism sector can never be achieved by any Government alone. It can be developed only when both Central and State Governments work hand in hand. Keeping present scenario in view, a board empowered by an Act is needed to cater to the demand of tourism development.

Hence, this Bill.

New Delhi;
November 21, 2022.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Tourism Development Board by the Central Government. Clause 5 provides for appointment of Secretary, Chief Account Officer and other staff of the Authority. Clause 6 provides for headquarters and other offices of the Authority. Clause 7 provides for meetings and procedure of the Authority. Clause 8 provides for constitution of a Tourism Development Board Fund. Clause 11 provides for the development of tourism through advertisement, maintaining of website and providing amenities for development of tourist destinations. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred. However, it is estimated that a recurring expenditure of about one thousand crore will be involved per annum.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 216 OF 2022

A Bill to provide for the welfare of sculptors, artists and artisans in rural areas and for matters connected therewith.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Sculptors, Artists and Artisans of Rural Areas Upliftment Council Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "artisan" means any person engaged in making useful, decorative or artistic items manually from leaves or weeds or bamboo or any other material by traditional means in rural areas for earning his livelihood;

(b) "artist" means any person who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skills to public in rural areas;

(c) "Council" means the National Sculptors, Artists and Artisans of Rural Areas upliftment Council constituted under section 4;

(d) "Fund" means the National Sculptors, Artists and Artisans of Rural Areas Welfare Fund constituted under section 3;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "sculptor" means any person engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in rural areas for earning his livelihood.

The National Sculptors, Artists and Artisans of Rural Areas Upliftment Fund.

3. *(1)* The Central Government shall constitute a Fund to be known as the National Sculptors, Artists and Artisans of Rural Areas Upliftment Fund.

(2) The Central Government and State Governments shall contribute to the Fund in such proportion, as may be prescribed.

The National Sculptors, Artists and Artisans of Rural Areas Upliftment Council.

4. *(1)* The Central Government shall establish a Council to be known as the National Sculptors, Artists and Artisans of Rural Areas Upliftment Council.

(2) The Council shall consist of following members, namely:—

(a) Chairperson, to be appointed by the Central Government;

(b) Joint Secretary of Ministry of Textiles, Vice-Chairperson, *ex-officio;*

(c) A representative of the Ministry of Micro, Small and Medium Enterprises conversant with problems of small enterprises of sculptors, artists and artisans in rural areas of country;

(d) five members representing Non-Governmental Organisations working for the welfare of sculptors, artists and artisans in rural areas, to be appointed by the Central Government;

(e) five members representing the sculptors, artists and artisans in rural areas, to be appointed by the Central Government; and

(f) A representative each of such other Ministries and Departments of the Government of India as may be decided by the Central Government.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Council shall be such, as may be prescribed by the Central Government.

Functions of the Council.

5. *(1)* The Council shall administer the Fund for the welfare of sculptors, artists and artisans of rural areas.

(2) Without prejudice to the generality of the foregoing provision, the Fund shall also be used for,—

(a) payment of compensation to the next of kin of the sculptors, artists and artisans in the event of death during work;

(b) payment of premium for life insurance;

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to sculptors, artists and artisans and their family members;

(f) housing facility at subsidised rate to sculptors, artists and artisans;

(g) financial assistance to sculptors, artists and artisans for production and marketing of their products and organization and advertisement of events;

(h) preservation, promotion, development and dissemination of art, culture, education and social welfare of sculptors, artists and artisans;

(i) empower unemployed sculptors, artists and artisans by providing them tools, techniques and financial assistance for self-employment and upliftment;

(j) imparting skill development training to the sculptors, artists and artisans;

(k) granting fellowship and scholarship for carrying out research in the rural areas particularly in the sculptures; and

(l) awarding the well known sculptors, artists and artisans having social impact in the society.

Annual Report.

6. The Council shall submit every year a report, in such form and manner, as may be prescribed, of its activities to the Central Government.

Power to make rules.

7. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Though various government and non-government projects, research studies, training programmes and financial/marketing assistance schemes are available to protect the interest of artisans involved in preserving such heritage of India in the form of handicrafts, the result is yet not satisfactory. It is general perception that Indian handicrafts are famous worldwide since centuries, but the fact is that apart from some artists the majority of rural sculptors, artists and artisans are starving and struggling to meet basic needs.

Due to various reasons, this great cultural heritage is being threatened by forces both from within and outside. Hence, majority of such sculptors, artists and artisans now are at saturated position and do not wish their children to continue with such occupation.

In view of the miserable condition of these sculptors, artists and artisans, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their upliftment. Thus, it is our duty to work towards making our current and future generations more aware about our culture and tradition and help and empower the people from rural areas earning their livelihood as sculptors, artists and artisans.

Hence this Bill.

NEW DELHI ;
November 21, 2022.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Fund for the welfare of sculptors, artists and artisans of rural areas. Clause 4 provides for establishment of a Council to administer the Fund for the welfare of sculptors, artists and artisans in the rural areas. The Bill, therefore, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees one thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 284 OF 2022

A Bill to provide for reservation for sportspersons in national sports administration bodies in India.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1.*(1)* This Act may be called the Sportspersons (Reservation in Sports bodies) Bill, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "prescribed" means prescribed by rules made under this Act;

(b) "sportsperson" means a person who has represented India as a member of

the national team, or a member of the State or regional team, or has established himself as a sportsperson of international repute in chosen field of sport; and

(c) "sports body" means—

(i) the Indian Olympic Association; or

(ii) Sports Authority of India; or

(iii) a national sports federation recognized by the Ministry of Sports and Youth Affairs of the Central Government, and its affiliated federations; or

(iv) national sports promotion organizations recognized by the Ministry of Sports and Youth Affairs of the Central Government; or

(v) a federation recognized by the International Olympic Association; or

(vi) a federation or a body which regulates sport at international level and its affiliated federations or bodies regulating sport in India.

Reservation in appointment in Sports bodies.

3.The Central Government shall reserve fifty percent of administrative posts for sportspersons in sports bodies in such manner as may be prescribed:

Provided that out of fifty percent reserved posts, twenty percent shall be reserved for women sportspersons.

Power to remove difficulties.

4. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

Power to make rules.

5. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule and every notification or order issued under this Act shall be laid, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in a such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Sports play a vital role in physical development of human body. It also plays an important role in psychological conditioning of human brain. Therefore, sports has occupied crucial place in Indian way of life and culture since ages.

Given the wide variety of sports that are played in India, administering them has always been a challenge. India has successfully created various institutions for sports administration at State and National level. However, our sports administration has been many a times proved impediment in allowing emerging sportspersons to realize their full potential and leave a mark of India at international competition.

This bill, seeks to attempt reforms in sports administration through reservation of seats for sportspersons in national sports administrative bodies. Within the seats reserved for sportsperson, 50 percent of the seats shall be reserved for women.

The primary motive of this bill is to utilize the experience and perspective of sportsperson in making sports administration more effective and efficient. It will give a bird eye view to sports institutions regarding the actual needs of sportsperson and addressing them in best possible manner.

Hence this Bill.

NEW DELHI;
November 21, 2022.

PARVESH SAHIB SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail, the delegation of legislative power is of a normal character.

BILL NO. 52 OF 2023

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:–

Short title and commencement.

1. *(1)* This Act may be called the Code of Criminal Procedure (Amendment) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 267.

2 of 1974.

2. In section 267 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code), in sub-section (1), for the words "before the court" wherever they occur, the words " before the court physically or with the permission of the court through video conferencing" shall be substituted.

Amendment of section 273.

3. In section 273 of the code, for the words "shall be taken in the presence of the accused", the words "shall be taken in the presence of the accused in normal circumstances or with the permission of the court through video conferencing" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The law must adapt to new advancements in science and other social trends as they occur. As a result, the Supreme Court correctly stated in the case of Som Prakash vs. State of Delhi that "in our technological age nothing more primitive can be conceived of than denying discoveries and nothing cruder can retard forensic efficiency than swearing by traditional oral evidence only thereby discouraging the liberal use of scientific aids to prove guilt". Laws must be changed in order to deal with the investigators' and judges' excessive workloads and to more completely implement a problem-solving approach to criminal proceedings. The introduction of the idea of video conferencing in the Indian criminal justice system is one illustration of this kind of transformation.

The idea of video conferencing has been used as a tool in two different ways, first for gathering evidence in unique situations and then for bringing the undertrials before the court from the prison itself for reasons of an extension of remand or other purposes. For video conferencing to be permitted, the courts in India similarly used a purposeful interpretation.

By using the advance technologies Indian judicial system can increase its efficiency in delivering justice and giving important verdicts, in case of criminal cases courts can hold trial of dreaded gangsters through video conferencing from prison itself, so that cops don't have to ferry them to courts. Presently it is the case that only remand hearings are conducted by video conference. Criminals find various ways to carry out crime or escape when they are brought to the court as there has been various Instances of undertrial convicts escaping which would also be reduced if all prisoners' remand and trials were conducted by video conference. It also happens that during their presence in court for trial, criminals may threaten witnesses or plan to commit crimes with the assistance of their assistants. Video conferencing can help catch these actions.

Video conferencing is greatly required since it enhances the administration of justice by saving both the Court and undertrials' time. The concept's introduction will make it possible to record evidence and eliminate the risk associated with transporting high-risk inmates who are being tried in various courts across the nation. This will also make it possible to record the testimony of foreign-based experts and witnesses without having to pay the exorbitant transportation costs to get them to the trial court. Modern times' complexity necessitates that the law be updated at the same rate as technological advancements.

Justice would undoubtedly benefit from the idea of video conferencing since it would enable judges to be as accurate as possible and comprehend the case with the aid of all video recordings. These cutting-edge techniques for connecting the prison and the court via video linkage will guarantee a quick trial and eliminate the difficulties of undertrials. Additionally, it should be remembered that the Law Courts would lag behind other industries if they did not accept technological advancement in court processes.

Hence this Bill.

NEW DELHI;
January 17, 2023.

PARVESH SAHIB SINGH

BILL NO. 254 OF 2022

A Bill to establish a Social Media and Over-The-Top Platform Regulatory Board to regulate the content shown by individuals, art, cultural organizations in social media in the name of creativity through art, music, films, cinema, OTT cinema, advertisement, standup comedy, poetry, social media, cultural staging, theatrical staging and for matters connected therewith.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Social Media and Over-The-Top Platform Regulatory Board Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "anarchy" means promotion of social and cultural malpractices in the country in the name of creativity, distortion of Indian culture, attack on the unity and integrity of the country, nurturing and support of terrorist and jihadi ideology, depiction and support of anti-national ideologies, staging mundanity against any particular religion out of prejudice, support and any other kind of creative activity which is against Indian culture, life values, spirit of public welfare, philanthropy, coexistence, harmony, the spirit of Vasudhaiva Kutumbakam and world peace;

(b) "creativity" means arts, literature, films, cinema, visual and audio poetry programmes presented through Over-the-Top media platform;

(c) "Over-The-Top platform" means a media service that offer access to the film and television content provided over the internet connection at the request and to suit the requirement of individual consumer;

(d) "media" means any data, text, sound, image, graphics, music, photography, advertisements, video, website and podcasts;

(e) "Board" means the Social Media and OTT Regulation Board established under section 3; and

(f) "prescribed" means prescribed by rules made under this Act.

The Social Media and Over-The-Top Platform Regulatory Board.

3. (*1*) The Central Government shall, by notification in the Official gazette, constitute a Board to be known as the Social Media and Over-The-Top Platform Regulatory Board for regulation of anarchy in the fields of film, cinema and Over-The-Top platform.

(2) The headquarters of the Board shall be at Mahoba in the State of Uttar Pradesh.

(*3*) The Board shall consist of not less than seven members to be appointed by Central Government in such manner as may be prescribed:

Provided that the Board shall consist of,—

(*a*) one member each from North, South, East, West and Central India who have at least fifteen years of experience in the field of art and culture; and

(*b*) two other members who have at least twenty years of experience in classical Indian literature or its staging.

(4) The Chairperson of the Board shall be selected by consensus of the members of the Board.

(5) The meeting of the Board shall be compulsorily held at least once every month and the Central Government may make such provisions as may be necessary for review of the work and coordination amongst the various Ministries.

(6) The salary and allowances payable to, and other terms and conditions of services of members appointed under this section shall be such as may be prescribed.

Functions of Board

4. The Board shall,—

(a) inspect all cinema, art, cultural and communication mediums;

(b) organize seminars, workshops, counselling sessions from time to time to understand the creation of cinema, motion picture in which persons and organizations who create anarchy in the name of creativity may also be invited;

(c) from time to time, issue guidelines for regulation of anarchy;

(d) motivate person and group of persons and institutions for creative development in accordance with Indian values;

(e) work as complementary arrangement with other commissions and boards of other art, culture, cinema under the Board for film certification constituted under the Cinematography Act, 1952; and

(f) such other function as may be prescribed.

Penalty.

5. If any person publishes any social media content on the OTT or such other platform harming the unity and integrity of the country, hurting social harmony, acting with prejudice against a particular religion, supporting terrorist and jihadi ideology, he shall be liable for imprisonment for a term which shall not be less than twenty years and fine of rupees two crore.

Central Government to provide funds.

6. The Central Government shall after due appropriation made by the Parliament in this regard provide the requisite funds from time to time for carrying out the purposes of this Act.

Power to give directions.

7. The Central Government, for the purpose of carrying out any of the provisions of this Act or the rules made thereunder, within the territorial jurisdiction of any State included under this Act, may give such directions to the Government of that State as may appear to it to be necessary.

Power to make rules.

8. *(1)* The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

Indians have not only done subtle and extensive research on all the possible dimensions of life, but also created science and highly specialized techniques for this, based on the fundamental understanding of philosophy and towards this understanding, it has also been proved that there is no proven end of learning. The proof of this is obtained from the declaration "Ekam Sadvipra Bahudha Vadanti", in which instead of curbing creative freedom, it was encouraged, but on this basis harmful freedom was also regulated, the basis of which was practical understanding with Indian cultural values.

In the tradition of Indian thought, the first thinkers were called poets and the expression made by them was called poetry. And the Upanishads were revealed and the original thinkers were called Kavikritu, but with time they were called poets who depicted literature and art, which is a common word for this in our language today. But in the development of literature and art, spirituality never lost its control over creativity, although morality, intellectualism and materialism were present in more and less form in many periods, but the controlling spirituality of all of them remained intact. Maharishi Valmiki ji created many classical works like moral oriented Ramayana, Ved Vyas ji intellectually oriented Mahabharata and Kalidas created many classical compositions like Abhijnanshakuntalam etc., after which the tradition of this type of creativity continued for a long time in India, which deviated in the medieval period and came till the British period. There were concerted state efforts to erase this tradition from public mind. But in the nineteenth century, at the individual level, creativity according to Indian values re-appeared in the society and this was possible only through the life force of the never-ending Indian culture. This change in the field of creation was so extensive that it not only influenced the genres of literature, art, poetry and drama but also jolted the political awareness and set patterns of leaders and legendary personalities etc.

However, in the last few decades and especially in the last few years, there is again a deviation in the values of this creativity due to certain reasons. The main reason of the disinterest as well as ignorance from the excellent values of Indian poetry, art etc. of the creative workers engaged in the field of creativity is due to some specific reasons. While the creativity in respect of Indian values, the intimacy of human relations and the high materiality is also practiced by converting the same into spirituality, the proofs of which are found in abundance in crafts, architecture, scriptures, books, etc., these days the movies, OTT platforms, music albums, bring forth uncontrolled display of body and language which is definitely against artistic harmony and Indian values. It denotes ignorance about the creativity of art etc. This deviation can be checked by establishing constant communication slowly.

The second major reason is very serious and that is due to anti-national ideology and religious frenzy. Presently, in the name of creativity, efforts are being made to nurture anarchy and hysteria in the society and the country, and support for terrorist and jihadi ideology whereas ridicule and hatred towards a particular religion are also being promoted. This is a big threat to the country and there is an urgent and imperative need to curb it rationally.

Through this bill, the development of creative sense with lofty, rational, continuously active and spiritually controlled values of Indian culture in cinema, art etc. can be rapidly ensured.

Hence this Bill.

NEW DELHI;
November 21, 2022.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Media and Over-The-Top Platform Regulatory Board. It further provides for appointment of members of the Board. Clause 6 provides for the Central Government to provide funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten crore per annum is likely to be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 291 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:–

Short title and commencement.

1.*(1)* This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 72.

2. In article 72 of the Constitution, after clause (*1*), the following clause shall be added at the end, namely:—

"(*1A*) Nothing in this article shall apply to the punishment or sentence of any person convicted of rape and murder of a girl child.

Explanation.— For the purpose of this clause 'girl child' means a girl upto the age of sixteen years.".

STATEMENT OF OBJECTS AND REASONS

"Where Women are honored, Divinity blossoms there" such thinking is one of the prominent views of Indian culture. Mother is regarded a first *guru* not only in Indian society but in all societies across the world. Many philosophers and great souls including *Swami Vivekanand* have given highest priority to the honor of women. Despite of such sacrosanct thinking, some people in our society, who have distorted mentality, not only commit heinous crime such as rape against girls but they also kill those girls. In our country, many such cases have come to light and such distorted mentality can be seen in "Nirbhaya Case" as well. No society can accept this distorted mentality and drastic measures are required to be taken to protect girl child.

Therefore, the provision of President's discretionary power to grant pardon or suspend sentences pronounced by the Supreme Court should not be available to the persons convicted of rape and killing of girl child.

Hence this Bill.

NEW DELHI;
November 21, 2022.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL NO. 11 OF 2023

A Bill to provide for the constitution of a Board for prevention of man-animal conflicts in the country and for matters related therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. *(1)* This Act may be called the Man-Animal Conflict Prevention Board Act, 2022.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "Board" means the Man-Animal Conflict Prevention Board constituted under section 3;

(c) "experts" means persons having requisite qualification and experience in the field of prevention of man-animal conflicts; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution of Man-Animal Conflict Prevention Board.

3. (*1*) The Central Government shall, by notification in the Official Gazette constitute, a Board, to be known as the Man-Animal Conflict Prevention Board in such manner as may be prescribed.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(3) The Board shall consist of such number of members, not exceeding ten, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) a Chairperson;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;15

(c) four members to represent respectively by the Ministries of the Central Government dealing with—

(i) Environment, Forest and Climate Change;

(ii) Home Affairs;

(iii) Railways; and20

(iv) Jal Shakti.

(d) two members to represent respectively dealing with—

(i) National Board for Wildlife; and

(ii) Wildlife Institute of India, to be appointed by the Central Government in such manner as may be prescribed.

(4) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(5) The Salary and allowances payable to and other terms and conditions of service of members shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(7) The Board shall elect from amongst its members a Vice-Chairperson who shall exercise such powers and perform such functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Secretary and other Officers.

4. *(1)* The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The salary and allowances payable to and other terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

Advisory Committee.

5. *(1)* Subject to any rules made in this behalf, the Board may, from time to time, constitute such committees as may be necessary for the efficient discharge of its functions.

(2) Every committee constituted under sub-section (*1*) shall consist of such number of persons as the Board may deem fit.

Functions of the Board.

6. The Board may—

(i) conduct seminars, classes, training or training camps to avoid and prevent man-animal conflicts in the country;

(ii) create awareness for avoiding man-animal conflicts;

(iii) assist and encourage studies and research for prevention of man-animal conflicts;

(iv) strive towards achieving reduction in man-animal conflicts;

(v) appoint experts to find out the reasons for man-animal conflicts and to make suggestions to prevent the same;

(vi) suggest measures to control man-animal conflicts to all concerned;

(vii) provide financial or other assistance for preventing man-animal conflicts;

(viii) provide guidelines for training in prevention of man-animal conflicts;

(ix) maintain register and record details of man-animal conflicts occurred; and

(x) secure better working conditions for any and all people or officials involved in the task of reducing man-animal conflicts in the country.

REGISTRATION OF INSTITUTION WORKING TOWARDS PREVENTION OF MAN-ANIMAL CONFLICTS

Registration of Institution.

7. *(1)* Every institution working towards prevention of man-animal conflicts, shall, register itself with the Board immediately after the commencement of this Act in such manner as may be prescribed.

(2) The registration made under sub-section *(1)* shall continue to be in force until it is cancelled by the Board.

Disclosure of information of registered owner.

8. *(1)* Every institution registered under section 7, shall furnish such details, including the number of persons involved in the cases dealt regarding man-animal conflicts to the Board on a quarterly basis in such manner as may be prescribed.

(2) Any person who fails to furnish any detail as required under sub-section *(1)* or furnishes any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

(3) The Board may authorize an officer to visit any facility at any time to verify the accuracy of any detail made under this section or to ascertain the functioning of the institution registered.

FINANCE, ACCOUNTS AND AUDIT

Grants and loans to the Board.

9. The Central Government may, after due appropriation made by Parliament by law, in this behalf, provides to the Board grants and loans of such sums of money as it may consider necessary.

Constitution of Man-Animal Conflict Prevention Fund.

10. *(1)* There shall be constituted a Fund to be called the Man-Animal Conflicts Prevention Fund for carrying out the purpose of this Act to which shall be credited—

(a) grants and loans made to the Board by the Central Government;

(b) fee levied and collected in respect of licenses granted under this Act; and

(c) sums received by the Board from such other sources as may be decided by the Central Government.

Budget.

11. The Board shall prepare in such form and at such time, as may be prescribed, its budget for each financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Annual Report.

12. The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit the report to the Central Government.

Accounts and Audits.

13. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller andAuditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors, report thereon.

Annual Report and auditors report to be laid before Parliament.

14. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

Power to enter.

15. Subject to any rule made in this behalf, any person, generally or specially authorized by the Board in this behalf, may, whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other Act or thing as may be prescribed:

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

16. Any person who—

(a) obstructs any member authorized by the Chairperson in writing or any officer or other employee of the Board authorized by it in this behalf or any person authorized in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Delegation.

17. The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

Member, Officers and employees of the Board to be public servant.

18. All members, officers and other employees of the Board shall be deemed, when acting or purporting to Act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. 45 of 1860.

Protection of Action taken in good faith.

19. No prosecution or other legal proceeding shall lie against the Government or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is done or intended to be done in good faith under this Act or the rules or regulations made thereunder.

Power to make rules.

20. *(1)* The Central Government may, by notification in the Officlal Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the constitution of committees under section 5;

(b) the form of the application for registration, cancellation, fee payable, particulars to be included in such application, the procedure to be followed in granting registration under section 8;

(c) the conditions and the restrictions with respect to the exercise of the power to enter under section 20; and

(d) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

Power to make regulations.

21. The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

Rules and regulations to be laid before Parliament.

22. Every rule made by the Central Government and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

23. *(1)* If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The incidents of man-animal conflicts in the country are on the rise and many people have lost their lives, particularly during the year 2021 when it was at its peak. The incidents of man-animal conflicts are reported from all parts of the country and no State is an exception. Law prevents killing animals such as tigers, elephants etc. and whereas the people are at the receiving end.

The major reason for the increasing man-animal conflicts is the ever decreasing forest areas due to which the wild animals are forced to enter into human settlements in the search of water and food. Wild animals are being crowded out of their natural habitat due to encroachment or due to deforestation, and the animals are forced to look for food and water wherever they get. The people have seen tigers roaming on the streets.

Together with the increase in the human population, we are also witnessing increase in the population of wild animals. The State of Kerala in particular has been facing this problem enormously, especially the elephants and wild boar and tigers coming out of forest, destroying crops and attacking humans. The State Government of Kerala has demanded to declare wild boar as vermin due to their increasing nuisance.

Therefore, it is the need of the hour that we need to take some strict enforcement to prevent man-animal conflict.

Hence this Bill.

NEW DELHI;
July 06, 2022.

V.K. SREEKANDAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Man-Animal Conflict Prevention Board. Clause 4 provides for appointment of secretary, offices and employees of the Board. Clause 5 provides for the constitution of a Advisory Committee by the Board. Clause 9 provides for grants and loans by the Central Government for the Board. Clause 10 provides for constitution of Man-Animal Conflict Prevention Care Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 20 of the Bill empower the Central Government to make rules for carrying out the purposes of this Bill. Clause 21 provides for the Board to make regulations for carrying out the purpose of this Act. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 35 OF 2023

A Bill further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called Hindu Succession (Amendment) Act, 2023.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 15.

30 of 1956.

2. In section 15 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act),—

(a) for sub-section *(1)*, the following sub-section shall be substituted, namely:—

"*(1)* The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

(a) firstly, upon the sons and daughters (including the children of any predeceased sons or daughters or non-remarried daughters-in-law) and the husband;

(b) secondly, upon the mother and father;

(c) thirdly, upon the heirs of the mother;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the husband.".

(b) "in sub-section (2),—

(i) in clause *(a)*, for the words "including the children of any predeceased son or daughter", the words "including the children of any predeceased sons or daughters or non-remarried daughters-in-law or the husband" shall be substituted; and

(ii) in clause *(b)*, for the words "including the children of any predeceased son or daughter", the words "including the children of any predeceased sons or daughters or non-remarried daughters-in-law" shall be substituted."

Amendment of section 16.

3. In section 16 of the principal Act, Rule 3 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

As on date many litigations pertaining to successions are pending in various courts in the country for many decades. In many cases, it has come to the notice that mothers are being neglected and even are not taken care of by their own sons and daughters. A considerable number of such mothers are on the roads or housed in old age homes due to no means for their livelihood. These non-remarried daughters-in-law after the demise of their husbands are deprived of their rights on the moveable and immovable properties left by their mothers-in-law.

According to section 15 of the Hindu Succession Act, 1956 only sons and daughters (including the children of any predeceased sons or daughters) are eligible for the succession of the property of a female Hindu dying intestate. However non-remarried daughters-in-law are deprived of such rights. In many cases, these non-remarried mothers after the death of their husbands were required to clear off the liabilities created by their husbands during their lift time for many reasons whatsoever. The question arises how they will do it, if they are not earning and their hope is on whatever the share they get from the said movable and immovable properties left by their mothers-in-law which is being deprived.

The Bill, therefore, seeks to amend section 15 of the Hindu Succession Act, 1956 with a view to provide rights to daughters-in-law at par with sons and daughters (including the children of any predeceased sons or daughters) and the husband and reorder the succession rights on the property of a female Hindu dying intestate.

Hence this Bill.

NEW DELHI;
February 6, 2023.

V.K. SREEKANDAN

BILL NO. 36 OF 2023

A BILL further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Citizenship (Amendment) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 18.

57 of 1955.

2. In section 18 of the Citizenship Act, 1955, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"**(2A)** The Central Government shall, within six months from coming into force of this Act, frame rules under clause (*eei*) of sub-section (*2*):

Provided that if the Central Government fails to frame rules within the said period of six months, the Central Government shall cause it to be laid a written statement before each Houses of Parliament the reasons for not framing the rules within the said period.".

STATEMENT OF OBJECTS AND REASONS

The intention of giving assent after hours of debate in both the Houses of Parliament on any Bill(s) is to implement or promulgate the contents thereon. Therefore, no Bill has to be kept in abeyance merely due to not being able to frame rules and such action amounts to disrespect to our temple of democracy.

The Citizenship (Amendment) Bill, 2019 was passed in Lok Sabha on 10.12.2019 and in Rajya Sabha on 11.12.2019. The President gave his assent to the Bill on 12.12.2019 and has become an Act. However, the Act could not be implemented as rules under section 6B(1) relating to conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation to a person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan who entered India on or before 31.12.2014 are yet to be framed, despite giving 7(seven) extensions in all these three years. This indicates there needs to be more study and debates before any such bills are passed and becoming Acts.

The Bill, therefore, seeks to amend the Citizenship Act, 1955 with a view to provide that the Central Government shall frame rules relating to conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation to a person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan who entered India on or before 31.12.2014 as envisaged under section 18 within six months.

Hence this Bill.

NEW DELHI;
January 19, 2023.

V.K. SREEKANDAN

BILL NO. 13 OF 2022

A Bill further to amend the Indian Penal Code, 1860 *and the Code of Criminal Procedure Code,* 1973.2

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRILIMINARY

Short title and commencement.

1. *(1)* This Act may be called the Criminal Law (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT TO THE INDIAN PENAL CODE, 1860

45 of 1860.

Amendment of section 124A.

2. In section 124A of the Indian Penal Code, 1860, for the words "shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine", the words "shall be punished with imprisonment which may extend to three years, or with fine which may extend upto rupees fifty thousand, or with both" shall be substituted.

CHAPTER III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE,1973

2 of 1974.

Amendment of the first schedule.

3. In the First Schedule to the Code of Criminal Procedure, 1973, under the heading "I - OFFENCES UNDER THE INDIAN PENAL CODE", for the entries relating to section 124A, thefollowing entries shall be substituted, namely:—

1	2	3	4	5	6
124A	Sedition	Imprisonment which may extend to 3 years or with fine which may extend upto rupees fifty thousand or with both.	Non-Cognizable	Bailable	Court of Session.

STATEMENT OF OBJECTS AND REASONS

In India, the first reference to sedition was made by Macaulay in the Draft Penal Code, 1837. Through an error of omission, the section on sedition was omitted from the Indian Penal Code, 1860. The error, however, was rectified through a Special Act XVII, 1870 and sedition was added as an offence under section 124A of IPC, 1860. Thereafter, sedition has remained an offence on the Indian statute books.

Post-independence, the Constituent Assembly vehemently opposed the inclusion of sedition under the list of reasonable restrictions to the"Right to Freedom" (Article 13 under the draft Constitution) and succeeded. Further our first Prime Minister, Shri Jawaharlal Nehru, when introducing the first amendment to the Constitution, referred to sedition and stated:

"Now so far as I am concerned that particular section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, if you like, in any body of laws that we might pass. The sooner we get rid of it the better. We might deal with that matter in other ways, in more limited ways, as every other country does but that particular thing, as it is, should have no place, because all of us have had enough experience of it in a variety of ways and apart from the logic of the situation, our urges are against it."

The Indian Penal Code, 1860, apart from sedition under section 124A, has provisions enlisted in chapters VI, VII, VIII and others to check activities inciting war against India or causing disruption of public order. The objective of the Unlawful Activities Prevention Act (UAPA), 1967 had been to enable the State authorities to deal with "activities directed against the integrity and sovereignty of India". In the light of this, sedition loses its relevance in the present day and context. Even the British abolished it from their statute books in 2009.

Presently in India, the use of sedition has been on the rise. According to the Crime in India report, incidents of sedition have increased from 35 in 2016 to 73 in 2020. However, the conviction rate under sedition is a meagre four per cent in 2020. The increasing trend of cases, as well as the negligible conviction rate, is a grave sign of misuse of the provision of sedition to curtail disapprobation and dissent against the Government. Given such a scenario, the end objective would be the abolition of sedition itself. Though abolition of sedition is desirable, it may not be currently feasible to achieve this. So, in the view of protecting the interests of a stable and healthy democracy, it is felt necessary to dilute the stringency of section 124A of the Indian Penal Code, 1860 by making sedition a bailable and non-cognizable offence. Moreover, through this bill, it is also proposed to omit the provision of imprisonment for life under sedition.

Hence this Bill.

NEW DELHI;
November 26, 2021.

SRINIVAS KESINENI

BILL NO. 94 OF 2022

A Bill to bring about accountability and Parliamentary oversight to the legislative and policy-making process in the country and to improve the quality of expenditure made by the Union Government.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. *(1)* This Act may be called the Government Legislative Proposals and Schemes (Impact Analysis and Post Implementation Assessment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Bill" means a Government Bill but does not include Finance Bill, Appropriation Bill and Bills of trivial or technical nature;

(b) "Government" means the Central Government;

(c) "major Scheme" means a Scheme that is likely to result in a recurring expenditure of rupees one thousand crores or above from the Consolidated Fund of India or a cumulative

expenditure of rupees one thousand crores or above within three years from the day of its implementation;

(d) "major Bill" means a Bill which on enactment will—

(i) involve an expenditure of rupees one thousand crores or above from the Consolidated Fund of India; or

(ii) result in major increase in costs for consumers, individual industries, Union, State or local government, or geographic regions; or

(iii) have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of India-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(iv) regulate any item either under the Union or the Concurrent List of the Seventh Schedule to the Constitution or any item in the State List that the Union Government seeks to regulate,

and the expression "major Act'' shall be construed accordingly;

(e) "market failure" means the following situations which result in markets not allocating resources efficiently:—

(i) market power where one party in the negotiation or a contract has little power and experiences a loss of choice including monopolies and oligopolies;

(ii) asymmetric information where the process of negotiation works poorly as one party involved lacks information relative to the other;

(iii) externalities where the consequences of the action of two negotiating parties are not negotiated which may lead to an effect on a third party;

(iv) provision of public goods where goods that are being provided are non-rivalrous in that consumption of that good or service by one person doesn't lead to lesser availability for another; and non-excludable in that consumption of a good or service by one person doesn't exclude another person from consuming that good or service;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "Scheme" means a Government or Government sponsored Scheme.

CHAPTER II

PRE-LEGISLATIVE REQUIREMENTS

Conditions to be fulfilled for Bills and Schemes.

3. For every Bill proposed to be introduced in either House of Parliament and Scheme, that is to be implemented either by Central Government or by a State Government or jointly, the Ministry of the Government responsible for initiating the Bill or formulating the Scheme shall comply with the following conditions:

(a) the Bill or the Scheme shall disclose the need for and consequences of the proposed Government action;

(b) the Bill or the scheme shall not be undertaken unless its potential benefits outweigh its potential costs to the society;

(c) objectives of the Bill or the scheme shall be clearly delineated and chosen so as to maximize the net benefits to society;

(d) among alternative approaches to any objective being sought by the Bill or the scheme, the alternative involving the least net cost to society shall be chosen; and

(e) Ministry responsible shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular

industries affected by regulations, the condition of the national economy and other regulatory actions contemplated for the future.

Impact analysis of the proposed Bill or scheme.

4. *(1)* It shall be the duty of the Ministry of the Government, responsible for initiating a Bill or formulating or implementing a major scheme, to prepare and publish a document to be called the Legislation Impact Analysis or Scheme Impact Analysis.

(2) Every Legislation Impact Analysis or Scheme Impact Analysis shall contain the following information—

(a) the objectives and goals of the Bill or major Scheme to be achieved along with clear measurable or quantifiable outcomes that may be monitored:

Provided that the requirement to list out clear measurable or quantifiable outcomes that may be monitored shall be applicable only to major Bills or to such Bills only for which it is possible to list out clear measurable or quantifiable outcomes;

(b) the potential market failure(s) to be addressed by the Bill or the scheme;

(c) studies that have examined the efficacy of the intervention of the Bill or the scheme to be undertaken, including international experiences in the implementation of a similar intervention;

(d) a description of the potential benefits of the Bill or the scheme, including any beneficial effects that may not be quantified in monetary terms, and the identification of those likely to receive the benefits;

(e) a description of the potential costs of the Bill or the scheme, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(f) a comprehensive analysis of all the stakeholders who are likely to be affected by the proposed intervention;

(g) a determination of the potential net benefits of the Bill or the scheme including an evaluation of effects that may not be quantified in monetary terms;

(h) a description of alternative approaches that may substantially achieve the objectives and goals as laid down in clause (*a*) at lower cost, together with an analysis of potential benefit and costs and a brief explanation, wherever required, of the legal reasons why such alternatives, if proposed, may not be adopted.

Constitution of National Consultative Committee.

5. *(1)* The Central Government shall, within sixty days from the date of commencement of thisAct, by notification in the Official Gazette, constitute a National Consultative Committee.

(2) The National Consultative Committee shall consist of—

(a) the Union Minister of Finance who shall be the Chairperson, *ex-officio*;

(b) three members from the House of the People, to be nominated by the Speaker, Lok Sabha—members *ex-officio*;

(c) two members from the Council of the State, to be nominated by the Chairman, Rajya Sabha—members *ex-officio*;

(d) six experts, two from the field of economics, two from the field of law, one from the field of public policy and one fromthe field of statistics, being an expert in survey design, to be nominated by the Governmentin such manner, as may be prescribed—members; and

(e) the Chief Economic Adviser to the Government and one Officer from the Ministry of Statistics and Programme Implementation not below the rank of Joint Secretary to the Government or equivalent—*ex-officio* members.

(3) The term of the National Consultative Committee shall be three years.

(4) The salary and allowances payable to and other terms and conditions of services of members nominated under clause (*d*) of sub-section (*1*) shall be such, as may be prescribed.

Functions of the National Consultative Committee.

6. The National Consultative Committee shall—

(a) specify the procedure and methodology, especially drawing upon international practices and emerging studies in the field of Cost-Benefit Analysis, which may serve as a guide for the preparation of the Legislation Impact Analysis or the Scheme Impact Analysis;

(b) within eight months of the commencement of this Act, in consultation with experts, both national and international, publish a document, detailing the procedure and methodology to serve as a guide in preparation of the Legislation Impact Analysis or the Scheme Impact Analysis;

(c) develop the methodology, procedure and guidelines for Post- Implementation Assessment Report referred to in section 11 and release a document detailing the same within two years of the commencement of this Act;

(d) from time-to-time, publish relevant documents and research papers in collaboration with higher educational institutions, highlighting the advances in the field which may serve as a guide to the ministries;

(e) provide consultation to the ministry concerned for preparation of the Legislation Impact Analysis or the Scheme Impact Analysis or Post-Implementation Assessment Report, as the case may be; and

(f) review such Legislation Impact Analysis or the Scheme Impact Analysis or the Post-Implementation Assessment Report, as it deems fit, and recommend appropriate changes that may need to be brought about.

Meetings of the National Consultative Committee.

7. *(1)* The National Consultative Committee shall meet at least thrice in a year at such time and place and shall observe such rules of procedure in regard to the transaction of its business, as may be prescribed.

(2) The National Consultative Committee may invite such other experts as it may consider appropriate for the discharge of its functions.

Laying of the legislation Impact Analysis and the Scheme Impact Analysis.

8. *(1)* The Legislation Impact Analysis shall be laid before both the Houses of Parliament on the day the related Bill is proposed for introduction in the Parliament and shall be examined by the concerned Department-related Parliamentary Standing Committee to recommend such changes to the Legislation Impact Analysis, as it deems appropriate.

(2) The Scheme Impact Analysis shall be laid before both Houses of the Parliament in a session immediately following the date of release of the Scheme document.

Sunsetting provision for legislations and schemes.

9. *(1)* Every Bill and scheme shall provide for a sunset provision declaring that the Act or the scheme shall cease to be operative after completion of the period specified in that sunset provision.

(2) where the period specified in sunset provision is more than twenty years in case of an Act, and ten years in case of a scheme, the Bill or scheme shall provide for an explanation for exceeding the aforesaid time period:

Provided that if any Bill or scheme is to be exempted from the sunset clause, the President shall after examining the explanation to that effect by the Government, recommend the introduction of the Bill or implementation of the scheme without sunset clause.

CHAPTER III

REVIEW COMMITTEE

Constitution of Review Committees.

10. *(1)* The Government shall, by notification in the Official Gazette, constitute a Review Committee for every Ministry for carrying out the purposes of this Act.

(2) The Review Committee shall consist of :—

(a) the Minister responsible for the legislation or scheme, Chairperson *ex-officio*;

(b) the Secretary of the Ministry responsible for the legislation or scheme, member *ex-officio*;

(c) a representative from the Union Finance Ministry not below the rank of Joint Secretary, member *ex-officio*;

(d) a representative from the Home Ministry not below the rank of Joint Secretary member *ex-officio*;

(e) the Chief Economic Advisor to the Government, member *ex-officio*; and

(f) two legal experts, two environmentalists or sustainability experts, two economists or statisticians or economy experts, two domain experts and one member from the civil society, to be appointed by the Government in such manner as may be prescribed, members.

(3) The Review Committee may invite such other experts (including international experts) as it may consider appropriate for the discharge of its functions.

(4) The members of the Review Committee, other than ex-officio members, shall have a term of three years and be eligible for re-nomination only for two consecutive terms.

CHAPTER IV

EX-POST REVIEW

Post Implementation Assessment.

11. *(1)* The Review Committee shall undertake Post-Implementation Assessment of every major Act and major scheme.

(2) The Post-Implementation Assessment shall be conducted every three years after taking into consideration:—

(i) Legislation Impact Analysis and Scheme Impact Analysis;

(ii) Performance Measurement to assess the results against measurable outcomes entailed in the Legislative Impact Analysis or Scheme Impact Analysis;

(iii) Impact Assessment Identify the ex-post impact of a major act or scheme, including the social, economic, environmental, legal and administrative impacts to evaluate the combined costs and benefits of a major act or scheme including the whole range of social, economic, environmental, legal and administrative considerations; and

(iv) Perception Surveys Involve stakeholder consultation of the perceived impact, both benefits and costs, of the major acts and schemes under review.

(3) The Review Committee shall complete the Post-Implementation Assessment Report within one hundred and twenty days from the start of the review process.

(4) The Post-Implementation Assessment Report shall be laid before both the Houses of the Parliament in a session immediately following the date of its completion.

CHAPTER V

MISCELLANEOUS

Scheme Impact Analysis and Post-Implementation Assessment of the Major Schemes already in existence.

12. *(1)* For major schemes already in existence on the day this Act comes into force:—

(a) the concerned ministry shall prepare a Scheme Impact Analysis within eighteen months from the day this Act comes into force; and

(b) the Review Committee shall conduct a Post-Implementation Assessment after a period of three years from the day this Act comes into force.

Power to make rules.

13. *(1)* The Government may, by notification, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In a Presidential form of Government, the Legislature has ample freedom to initiate a legislative proposal and the Executive has a very limited role in this regard. Legislature therefore, in a Presidential System exercise a corresponding amount of check on the Executive which delivers a large degree of stability to the system. The Parliamentary form, on similar grounds, seeks more accountability from the Executive which is an integral part of the Legislature. Laws are a primary means by which the Executive runs about its agenda. However, many a time Bills are passed without adequate deliberation in the Houses. The Bill, firstly, seeks to devise a legislative check on the actions of the Government irrespective of whether a party holds a majority.

Any expenditure incurred by the Government imposes a cost on the economy. Also known as marginal cost of public funds, it is an opportunity cost that could have been effectively utilized elsewhere by other agents in the economy. Empirical estimates put this figure to be around 3, implying that for every rupee spent by the Government, there is a cost of about three rupees to the economy. When multiplied by the volume of government spending in the economy, the impact is gigantic. Therefore, it is necessary to keep an accountability on such large expenditure – any spending which is not meeting its stated objectives must be discontinued. The field of cost-benefit analysis has been revolutionary in this regard. Such a system was kept in place as early as the 1980s in the USA. Similarly, the OECD countries like Australia have a robust mechanism in place to assess the impact of every legislation once in place.

The pace of change in today's world is blinding. This fast-moving world demands an evolving and agile legislation landscape that caters to the everchanging needs of our society and economy. The nation cannot have an overhang of outdated legislations that do not improve governance outcomes, but instead contribute to increasing the legal and social costs to society. In this context, we require our laws and schemes to have expiry date (sunset clause). Such provision will ensure an opportunity re-make laws and schemes that will help our nation stay up to date on evolving situations of the world.

The present Bill, *inter-alia*, provides for—

(a) a pre-legislative mechanism to clearly set out objectives of the stated government intervention, careful consideration of costs and benefits to the society from the proposed legislation or scheme, all of which must be documented in an Impact Analysis report, and the insertion of sunset clauses in every scheme and legislation;

(b) a post-implementation mechanism to check whether the government has met its stated objectives and measurable targets, and the impact the intervention has had on the society. Should the government fail to do so in the post-implementation assessment, the act or scheme shall stand repealed or revoked, respectively;

(c) establishment of a National Consultative Committee which will guide the government in the technical details pertaining to the studies to be conducted for every legislation and scheme and the establishment of a Review Committee under every ministry to carry out the post-implementation assessment of the legislation and scheme.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 23, 2022.

SRINIVAS KESINENI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for constitution of a National Consultative Committee to assist the Government in the pre-legislative process of any legislation or scheme and in preparation of a guide for the Post-Implementation Assessment Report. It also provides for appointment of experts to the Committee. Clause 10 provides for the constitution of a Review Committee under each ministry to scrutinise the working of major legislations and schemes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees twenty-one crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of rupees two crore is likely to be involved.

———

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (*1*) of clause 13 empowers the Central Government to make rules regarding the times and places of the meetings of the National Consultative Committee and the procedure to be followed at such meetings under sub-section (*1*) of section 7 and the expenditure incurred on the meetings of the National Committee under sub-section (*3*) of section 7.

The matters in respect of which rules may be made by the Central Government are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 259 OF 2022

A Bill to further amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:— Short title and commencement.

1. *(1)* This Act may be called the Code of Criminal Procedure (Amendment) Act, 2022.

(2) It shall come into force with immediate effect.

2 of 1974. **2.** In the Code of Criminal Procedure, 1973, in section 125, after clause (2), the following clauses shall be inserted, namely:— Amendment of Section 125.

25 of 1955.
78 of 1956.
25 of 1986.
4 of 1869.

"(2A) Notwithstanding anything contained in sections 24 and 25 of the Hindu Marriage Act, 1955, section 19 of the Hindu Adoptions and Maintenance Act, 1956, The Muslim Women (Protection of Rights on Divorce) Act, 1986, the Indian Divorce Act, 1869:—

(a) the Magistrate may award a lump sum amount for the maintenance as a one-time settlement in an order after due verification of the assets held by the husband, including the ascertainment of any immovable or movable property possessed by the husband;

(b) in case the award is in the form of a monthly allowance, the order shall be duly notified to the employer of the person liable to pay the monthly allowance if the person is employed and the employers shall be directed to deduct from the salary of such person a sum equivalent to the amount of maintenance ordered by the court;

Explanation.— The employer shall include Government entities under article 12 of the Constitution and the private entities.

(c) the retirement funds of the husband working in an organisation to which the preceding clause applies shall be used for the purposes of fulfilling the maintenance award and the employer after receipt of the order under sub-section (2) shall deposit in court the details regarding the retirement funds of the employee in question; and

(d) any property, whether movable or immovable, built, bought, or constructed during the course of marriage shall be equally divided between the two parties to the divorce.

(2B) Notwithstanding anything contained in sub-section (1), an aggrieved woman living in a shared household shall be entitled to interim maintenance without proof of marriage.

Explanation.— For the purposes of this sub-section,—

(a) "aggrieved woman" and "shared household" shall have the same meaning as assigned to them in the Protection of Women from Domestic Violence Act, 2005; and

43 of 2005.

(b) "interim maintenance" shall be calculated for the aggrieved woman and the minor children, if any with the help of maintenance professionals appointed on a contractual basis by the court from a pool of eligible professionals, experts in family law and finance in accordance with cost of living index:

Provided that if the applicant has moved a petition to seek maintenance under different laws, the same information shall be communicated by the applicant to the relevant courts through an affidavit, within thirty days of the institution of the petition: Provided further that the Court shall adjust or setoff the amount awarded in the previous proceedings, while determining whether any further amount is to be awarded in the subsequent proceeding:

Provided also that the order passed in the previous proceedings requires any modification or variation, such modification or variation shall be made in the same proceeding.".

STATEMENT OF OBJECTS AND REASONS

The Constitution makers had incorporated Directive Principles of State Policy (DPSP) with the vision to guide the law-making process in the country. Dr. B.R Ambedkar went on to state that the DPSP are the heart and soul of the Constitution. Article 39 states that "the state shall, in particular, direct its policies towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood, that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

Further Article 39 reinforces Article 15(3) of the Constitution of India which provides that: "Nothing in this article shall prevent the State from making any special provision for women and children." Together the two Articles uphold the rights and subsequent duties of the state towards the vulnerable sections of the society.

Presently, a women can claim maintenance under various laws ranging from Section 125 of the Criminal Procedure Code (CrPC) and various sections of different personal laws. It is an established and widely acknowledged fact that economic prosperity and women empowerment go hand-in-hand. Moreover, a nation's progress is judged as per its ability to enforce contracts. However, seven decades since independence, the women of our country still run from pillar to post to seek enforcement of their maintenance contracts.

Across the globe, developed countries have formulated stringent guidelines to ensure the enforcement of maintenance contracts. For instance, in Australia, the contracts are registered with the child support register and the amount is automatically deducted from the income tax installment of the payer. Further in Finland, the maintenance amount is revised every year depending on the shift in the cost-of-living index. In India, this can be adopted in relation to a purchasing index in consonance with the trend of inflation. Therefore, ensuring that the maintenance contracts are enforced and ensure a sustainable amount to the aggrieved women.

By virtue of judicial pronouncements and other steps, rights of women have been restored but it will become fruitful only when under lying thinking is changed and only if maintenance orders are properly enforced. It is imperative that the laws are framed to ensure the effective enforcement of the contracts, reduce burden of pending cases and ensure smooth procedure. Only when women, who are the first teachers of a child, get their due, the nation can realise the dream envisioned by the constitution makers, of a just and equitable society.

Hence this Bill.

New Delhi;
November 21, 2022.

SRINIVAS KESINENI

BILL NO. 30 OF 2023

A Bill further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. *(1)* This Act may be called the Narcotic Drugs and Psychotropic substances (Amendment) Act, 2023.

(2) It shall come into force at once.

Amendment of section 31A.

61 of 1985.

2. In section 31A of the Narcotic Drugs and Psychotropic Substances Act, 1985,—

(a) in the marginal heading the word "death" shall be omitted; and

(b) in sub-section (*1*), the words "or with death" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 31A was inserted into the Narcotic Drugs and Psychotropic Substances Act, 1985 to provide for capital punishment or 30 years of jail for repeat offenders on the discretion of the judge.

This section of the NDPS Act, 1985 has been of intense inquiry. It places judicial discretion as the highest form of authority in determining the extent of crimes of repeated offenders of drug trafficking. Drug trafficking does not fall into the narrow category of heinous crimes as stated in Bachan Singh *vs.* State of Punjab when juxtaposed against murderers, and thus, capital punishment is constitutionally impermissible and against Article 21 of the Constitution of India.

It positions India against the United Nation's Convention on Psychotropic Substances of 1971, and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

Research pertaining of implications of death penalty show no significant deterrence of crime/convicts. India has recorded 3,172 cases of drug trafficking in 2014-2022 as against 1,257 cases from 2006-2013, thus the insertion of Section 31A(1) has been unable to achieve the goal which it aimed to, deterring repeat offenders.

This section is unconstitutional and against the Right to Life and Liberty, it adds unnecessary attention to India's judicial system.

Hence, this Bill.

NEW DELHI;
January 16, 2023.

VISHNU DAYAL RAM

BILL NO. 59 OF 2023

A Bill to lay down judicial standards and provide for accountability of Judges of the Supreme Court or a High Court or a District Court and, establish credible and expedient mechanism for investigating into individual complaints for misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and to regulate the procedure for such investigation, and for the peresentation of an address by Parliament to the President for removal of a Judge and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of Indiaas follows:—

Short title and commencement.

1. *(1)* This Act may be called the Judicial Accountability Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Assets" includes immovable and movable property;

Explanation.— For the purposes of this clause,—

(i) "immovable property" includes the land and any building or other

structure attached to the land, and tenancies, lease holds or any other interest in immovable property;

(ii) "movable property" includes any other property which is not immovable property as also corporeal and incorporeal property of every description and household goods and personal effects of the value of each item of more than fifty thousand rupees;

(b) "Chairman" means the Chairman of the Council of States;

(c) "Competent Authority" means in relation to,—

(i) a Metropolitan Magistrate, the Chief Metropolitan Magistrate of that Court;

(ii) a Judges of the District Court, the District Judge of that District Court;

(iii) a District Judge of District Court, the Chief Justice of that High Court;

(iv) a Judge of the High Court, the Chief Justice of that High Court;

(v) the Chief Justice of the High Court, the Chief Justice of India;

(vi) a Judge of the Supreme Court, the Chief Justice of India;

(vii) the Chief Justice of India, the President of India;

(d) "Incapacity" means physical or mental incapacity which is, or is likely to be, or a permanent character;

(e) "investigation committee" means the investigation committee constituted under section 22;

(f) "inquiry" means an inquiry for proof of misbehaviour or incapacity;

(g) "Judge" means a Judge of the Supreme Court or of a High Court or a judge of the District Court and includes the Chief Justice of India and the Chief Justice of a High Court;

(h) "judicial standards" means the values of judicial life specified in section 3, and the Schedule;

(i) "liabilities" includes financial guarantees given and all loans raised from any bank, financial institution or any other source;

(j) "misbehaviour" means,—

(i) conduct which brings dishonour or disrepute to the judiciary; or

(ii) wilful or persistent failure to perform the duties of a Judge; or

(iii) wilful abuse of judicial office; or

(iv) corruption or lack of integrity which includes delivering judgments for collateral or extraneous reasons, making demands for consideration in cash or kind for giving judgments or any other action on the part of the Judge which has the effect of subverting the administration of justice; or

(v) committing an offence involving moral turpitude; or

(vi)failure to furnish the declaration of assets and liabilities in accordance with the provisions of this Act; or

(vii) wilfully giving false information in the declaration of assets and liabilities under this Act; or

(viii) wilful suppression of any material fact, whether such fact relates to a period before assumption of office, which would have bearing on his integrity; or

(ix) wilful breach of judicial standards;

(k) "notification" means a notification published in the Official Gazette;

(l) "Oversight Committee" means the National Judicial Oversight Committee established under section 17;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "Scrutiny Panel" means a panel constituted under sub-section (*1*) or sub-section (2) of section 11 for the scrutiny of complaints;

(o) "Speaker" means the Speaker of the House of the People.

Judicial standards.

3. *(1)* Every Judge shall continue to practice universally accepted values of judicial life as specified in the Schedule to this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, no Judge shall—

(a) contest the election to any office of a club, society or other association or hold such elective office except in a society or association connected with the law or any court;

(b) have close association or close social interaction with individual members of the Bar, particularly with those who practice in the same court in which he is a Judge;

(c) permit any member of his immediate family (including spouse, son, daughter, 30son-in-law or daughter-in-law or any other close relative), who is a member of the Bar, to appear before him or associated in any manner with a cause to be dealt with by him;

(d) permit any member of his family, who is a member of the Bar, to use the residence in which the Judge actually resides or use other facilities provided to the Judge, for professional work of such member;

(e) hear and decide a matter in which a member of his family, or his close relative or a friend is concerned;

(f) enter into public debate or express his views in public on political matters or on matters which are pending or are likely to arise for judicial determination by him:

Provided that nothing contained in this clause shall apply to,—

(i) the views expressed by a Judge in his individual capacity on issues of public interest (other than as a Judge) during discussion in private forum or academic forum so as not to affect his functioning as a Judge;

(ii) the views expressed by a Judge relating to administration of court or its efficient functioning;

(g) make unwarranted comments against conduct of any Constitutional or statutory authority or statutory bodies or statutory institutions or any chairperson or member or officer thereof, in general, or at the time of hearing matters pending or likely to arise for judicial determinations;

(h) give interview, to the media in relation to any of his judgment delivered, or order made, or direction issued, by him, in any case adjudicated by him;

(i) accept gifts or hospitality except from his relatives;

(j) hear and decide a matter in which a company or society or trust in which he holds or any member of his family holds shares or interest, unless he has disclosed his

such holding or interest, and no objection to his hearing and deciding the matter is raised;

(k) speculate in securities or indulge in insider trading in securities;

(l) engage, directly or indirectly, in trade or business, either by himself or in association with any other person:

Provided that the publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business for the purpose of this clause;

(m) seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available or admissible;

(n) hold membership in any organisation that practices invidious discrimination on the basis of religion or race or caste or sex or place of birth;

(o) have bias in his judicial work or judgments on the basis of religion or race or caste or sex or place of birth.

Explanation.—For the purposes of this sub-section, "relative" means—

(i) spouse of the Judge;

(ii) brother or sister of the Judge;

(iii) brother or sister of the spouse of the Judge;

(iv) brother or sister of either of the parents of the Judge;

(v) any lineal ascendant or descendant of the Judge;

(vi) any lineal ascendant or descendant of the spouse of the Judge;

spouse of the person referred to in clauses (*ii*) to (*vi*).

Declaration of assets and liabilities.

4. *(1)* Every Judge shall make a declaration of his assets and liabilities in the manner as provided by or under this Act.

(2) A Judge shall, within thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—

(a) the assets of which he, his spouse, his blood relatives and dependent children are, jointly or severally, owners or beneficiaries;

(b) his liabilities and that of his spouse, his blood relatives and dependent children.

(3) A Judge holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in sub-section (*2*) to the competent authority within thirty days of the coming into force of this Act.

(4) Every Judge shall file with the competent authority, on or before the 31st July of every year, an annual return of his assets and liabilities, as on the 31st March of that year as referred to in sub-section (2).

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished in such form and in such manner, as may be prescribed.

Explanation.— For the purposes of this section,

(a) "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the Judge for their livelihood.

(b) "blood relation" means all relatives which are related by full blood or half blood irrespective of the fact whether he or she have separate means of earning and are wholly independent on the Judge for their livelihood.

Making available document or information in relation to a declaration of assets and liabilities of Judges on website.

5. The competent authority shall exhibit the document or information in relation to a declaration of assets and liabilities of Judges,—

(a) in the case of Metropolitan Magistrates and Judges of the District Courts, on the website of the District Court in which such Metropolitan Magistrates and Judges are serving;

(b) in the case of Judges and Chief Justices of the High Courts, on the website of the High Court in which such Judges and Chief Justices are serving;

(c) in the case of Judges of the Supreme Court and Chief Justice of India, on the website of the Supreme Court.

Maintenance of records.

6. The competent authority shall keep the documents or information forms containing the details of the assets and liabilities and other particulars in relation thereto filed by the Judges in its safe custody for such period as may be decided by the Oversight Committee.

Complaints.

7. Any person making an allegation of misbehaviour or incapacity in respect of a Judge may file a complaint in this regard to the Oversight Committee.

Manner of making of complaint.

8. The complaint under section 7 shall—

(a) be in such form and filed in such manner as may be prescribed;

(b) set forth particulars of the misbehaviour or incapacity which is the subject matter of allegation;

(c) be verified at the foot of the complaint by the complainant and shall specify, by reference to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information and shall refer to the source of the information.

Reference to Scrutiny Panel.

9. Save as otherwise provided under this Act, the Oversight Committee shall refer all such complaints to the appropriate Scrutiny Panel constituted under relevant sections of this act for scrutiny.

Constitution of Scrutiny panel.

10. There shall be constituted a panel to be called "Complaints Scrutiny Panel" in the Supreme Court and in every High Court to scrutinise the complaints received against a Judge under this Act.

Composition of Scrutiny panel.

11. *(1)* The Scrutiny Panel in the Supreme Court shall consist of a former Chief Justice of India and two Judges of the Supreme Court to be nominated by the Chief Justice of India.

(2) The Scrutiny Panel in every High Court shall consist of a former Chief Justice of that High Court and two Judges of that High Court to be nominated by the Chief Justice of that High Court.

Functions of Scrutiny panel.

12. *(1)* If the Scrutiny Panel, after scrutiny of the complaint referred to it for scrutiny under section 9, and after making scrutiny of the complaint, as it deems appropriate, is satisfied that—

(a) there are sufficient grounds for proceeding against the Judge, it shall, after recording reasons therefore, submit a report on its findings to the Oversight Committee for making inquiry against the Judge in accordance with the provisions15 of this Act;

(b) the complaint is frivolous or vexatious, or, is not made in good faith, or there are not sufficient grounds for inquiring into the complaint, or the complaint relates only to the merits of the judgment or a procedural order, and, then, it shall after recording reasons therefore submit a report on its findings to the Oversight Committee for not proceeding with the complaint and treating the matter as closed.

(2) The scrutiny of complaints under this section by the Scrutiny Panel shall be held in camera.

(3) The Scrutiny Panel shall submit its report under clause (*a*) or clause (*b*) of sub- section (1), to the Oversight Committee in this behalf within a maximum period of three months from the date of receipt of the complaint from the Oversight Committee.

Procedure of Scrutiny panel.

13. Save as otherwise provided in this Act, the Scrutiny Panel shall have power to regulate its own procedure in scrutinising the complaints referred to it for scrutiny under section 9.

Power relating to scrutiny of complaints.

14. The Scrutiny Panel shall, while scrutinising the complaints forwarded to it for scrutiny under section 9, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or other documents; and

(f) any other matter which may be prescribed.

Provision for officers and other employees for Scrutiny panel.

15. *(1)* The Chief Justice of India shall, determine the nature and categories of the officers and other employees required to assist the Scrutiny Panel referred to in sub-section (*1*) of section 11 in the discharge of its functions andprovide the Scrutiny Panel with such officers and other employees as he may think fit.

(2) The Chief Justice of the High Court shall, determine the nature and categories of the officers and other employees required to assist the Scrutiny Panel referred to in sub-section (*2*) of section 11 in the discharge of its functions and provide the Scrutiny Panel with such officers and other employees as he may think fit.

Provision regarding frivolous and vexatious complaints.

16. If the Scrutiny Panel is of the opinion that a complaint was filed frivolously or vexatiously or only with a view to scandalise or intimidate a Judge, it may refer the case to the Oversight Committee for further action.

Establishment of Oversight Committee.

17. With effect from such date as the Central Government may, by notification, appoint, there shall be established a National Judicial Oversight Committee.

Composition of Oversight Committee.

18. *(1)* The National Judicial Oversight Committee shall consist of the following, namely:—

(a) a retired Chief Justice of India appointed by the President after ascertaining the views of the Chief Justice of India—Chairperson

(b) a Judge of the Supreme Court nominated by the Chief Justice of India—Member;

(c) the Chief Justice of a High Court nominated by the Chief Justice of India—Member;

(d) the Attorney-General for India — *ex officio* Member;

(e) an eminent jurist nominated by the President—Member.

Provided that—

(i) where the allegations are against a Judge of the Supreme Court, who is a member of the Oversight Committee, then, the Chief Justice of India shall nominate another Judge of the Supreme Court in his place as a member of that committee; or

(ii) where the allegations are against the Chief Justice of a High Court, who is a member of the Oversight Committee, then, the Chief Justice of India shall nominate a Chief Justice of another High Court in his place as a member of that committee.

(2) After the commencement of the proceedings relating to a complaint against a Judge,—

(a) if any change in the composition of the Oversight Committee arises due to elevation of a member of the Oversight Committee, as the Chief Justice of India or a Judge of the Supreme Court, as the case may be; or

(b) if any change arises in the composition of the Oversight Committee due to refusal or retirement or resignation or any other reason, the proceedings of the Oversight Committee shall continue from the stage from which it was pending before such change and the Chairperson of the Oversight Committee shall make such incidental changes, as he deems necessary, to continue the proceedings.

Forwarding of complaint relating to misbehaviour to Scrutiny Panel.

19. The Oversight Committee shall, within three months of the receipt of a complaint relating to misbehaviour of —

(a) an individual Judge of the Supreme Court or Chief Justice of a High Court, refer the complaint, to the Scrutiny Panel of the Supreme Court to scrutinise and report thereon;

(b) an individual Judge of a High Court, refer the complaint, to the Scrutiny Panel of the High Court in which such Judge is acting as such, to scrutinise and report thereon.

Records of complaints forwarded to Scrutiny Panel.

20. The Oversight Committee shall maintain a record of the complaints referred to the Scrutiny Panel.

Certain complaints not to be forwarded to Scrutiny Panel.

21. A complaint against the Chief Justice of India shall not be referred to the Scrutiny Panel for scrutiny but shall be scrutinised by the Oversight Committee.

Investigation by investigation committee.

22. *(1)* The Oversight Committee, shall for the purpose of inquiry for misbehaviour by a Judge, constitute an investigation committee (by whatever name called) to investigate into the complaint in respect of which the Scrutiny Panel has recommended in its report under clause (a) of sub-section (1) of section 12 for making inquiry against the Judge in accordance with the provisions of this Act.

(2) The composition and tenure of the investigation committee shall be such as may be decided by the Oversight Committee:

Provided that the number of the investigation committees, in no case, at a time, shall exceed three:

Provided further that the Oversight Committee may, having regard to the nature of misbehaviour of a Judge, may constitute different investigation committees for inquiry into different complaints.

Powers of Oversight Committee and investigation committee.

23. The Oversight Committee, shall, for the purpose of proceedings under this Act and the investigation committee, while conducting any investigation under this Chapter, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or other documents; and

(f) any other matter which may be prescribed.

Search and seizure by investigation committee.

24. *(1)* If the investigation committee has reason to believe that any documents which, in its opinion, will be useful for, or relevant to, any preliminary investigation or inquiry, are secreted in any place, it may request the oversight committee to authorise any officer subordinate to it, or any officer of an agency referred as provided in section 25, to search for and to seize such documents.

(2) If the investigation committee is satisfied that any document seized under sub-section (*1*) would be evidence for the purpose of any investigation and that it would be necessary to retain the original document in its custody, it may so retain the said document till the completion of such investigation or retain a copy of such document, as it may deem fit.

The provisions of the Code of Criminal Procedure, 1973, relating to searches shall, so far as may be, apply to searches under this section subject to the modification that sub-section (*5*) of section 165 of the said Code shall have effect as if, for the word "Magistrate", wherever it occurs, the words "investigation".

Assistance to investigation committee by Government agencies.

25. The investigation committee shall be entitled to make a request to the Oversight Committee for assistance to it and the Oversight Committee may invoke its powers in this behalf under section 38 of this Act.

Ex-parte Investigation in certain cases.

26. If a Judge, to whom notice is issued by the investigation committee, referred to in section 22, refuses to appear before it or does not co-operate with it in conducting investigation, then, the investigation committee may proceed ex parte.

Investigation into act or conduct of certain other persons in certain cases.

27. The investigation committee may cause investigation into any act or conduct of any person, other than the Judge concerned, in so far as it considers necessary so to do for the purpose of its investigation into any allegations made against a Judge and shall give such person a reasonable opportunity of being heard and to produce evidence in his defence.

Submission of report by investigation committee.

28. The investigation committee, after completion of the inquiry in respect of a complaint, shall submit its findings to the Oversight Committee.

Procedure in inquiries by investigation committee.

29. *(1)* The investigation committee shall frame definite charges against the Judge on the basis of which the inquiry is proposed to be held.

(2) Every such inquiry shall be conducted in camera by the investigation committee.

(3) Charges framed under sub-section (1) together with the statement of grounds on which each such charge is based shall be communicated to the Judge and he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified by the investigation committee.

(4) The investigation committee shall hold every such inquiry as expeditiously as possible and in any case complete the inquiry within a period of six months from the date of receipt of the complaint:

Provided that the Oversight Committee, for reasons to be recorded in writing, may extend the period for completion of the inquiry by a further period of six months.

Investigation committee to have power to regulate its own procedure.

30. Save as otherwise provided, the investigation committee shall have power to regulate its own procedure in making the inquiry and shall give reasonable opportunity to the Judge of cross examining witnesses, adducing evidence and of being heard in his defence.

Central Government to appoint an advocate to conduct cases against Judge.

31. The Central Government may, if requested by the investigation committee, appoint an advocate to conduct the cases against the Judge.

Staff of Oversight Committee.

32. *(1)* The Oversight Committee shall, forthe purpose of performing its functions underthis Act, appoint a Secretary and such other officers and employees possessing such qualifications, as the Presidentmay determine, fromtime to time, in consultation with the Oversight Committee.

(2) The terms and conditions of service of the Secretary, officers and employees referred to in sub-section (1) shall be such as the President may determine, from time to time, in consultation with the Oversight Committee.

(3) In the discharge of their functions under this Act, the Secretary, the officers and employees referred to in sub-section (1) shall be subject to the administrative control and direction of the Oversight Committee.

(4) The Oversight Committee shall provide such number of its officers and other employees to assist the investigation committee as the Oversight Committee considers appropriate having regard to the nature of investigation in a case.

Stoppage of assigning judicial work in certain cases.

33. During the pendency of the inquiry by the investigation committee, the Oversight Committee may recommend stoppage of assigning judicial work including cases assigned to the Judge concerned if it appears to the Oversight Committee that it is necessary in the interest of fair and impartial scrutiny of complaints or investigation or inquiry.

Procedure on receipt of report of investigation committee.

34. *(1)* If the Oversight Committee on receipt of the report from the investigation committee is satisfied that—

(a) no charges have been proved, it shall dismiss the complaint and matter be closed and no further action shall be taken against the Judge and the complainant shall be informed accordingly;

(b) all or any of the charges have been proved but the Oversight Committee is of the opinion that the charges proved do not warrant removal of the Judge, it may, by order, issue advisories or warnings.

(2) Without prejudice to the provisions contained in sub-section (1), if the Oversight Committee, on receipt of the report from the investigation committee is satisfied that there has been a prima facie commission of any offence under any law for the time being in force by a Judge, it may recommend to the Central Government for prosecution of the Judge in accordance with the law for the time being in force.

(3) In a case where an inquiry or investigation against the Judge has been initiated and such Judge has demitted office during such inquiry or investigation, such inquiry or investigation may be continued if the Oversight Committee is of the opinion that the misbehaviour is serious in nature and requires to be inquired into or investigated and the Oversight Committee may after conclusion of inquiry forward its findings to the Central Government to take further action in the matter under relevant law for the time being in force.

Advice to President for removal of Judge.

35. If the Oversight Committee is satisfied that all or any of the charges of misbehaviour or incapacity of a Judge have been proved and that they are of serious nature warranting his removal, it shall request the judge to voluntarily resign.

Filing of complaint against complainant in certain cases.

36. If the Scrutiny Panel refers a case to the Oversight Committee under section 16, the Oversight Committee shall consider the matter further and if it concurs with the conclusion of the Scrutiny Panel, it may authorise the filing of a criminal complaint against the original complainant before a competent court.

Proceedings before Oversight Committee to be judicial proceedings.

37. All proceedings under this Act shall be deemed to be judicial proceedings within the meaningof sections 193 and 228 of the Indian Penal Code, and the Oversight Committee shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure Act, 1973. 2 of 1974.

Power to call for assistance.

38. The Oversight Committee shall be entitled to take assistance of such officers of the Central Government or State Government or any agency thereof or authority as it deems fit.

Confidentiality in complaint procedure.

39. Notwithstanding anything contained in any other law for the time being in force, the complainant and every person who participates in the scrutiny or investigation or inquiry as a witness or as a legal practitioner or in any other capacity, whether or not he seeks confidentiality about his name, shall undertake to the Oversight Committee or Scrutiny Panel or investigation committee that he shall not reveal his own name, the name of the Judge complained against, the contents of the complaint or any of the documents or proceedings to anybody else including the media without the prior written approval of the Oversight Committee:

Provided that the Oversight Committee may, if it considers appropriate, authorise any person to apprise the media or press in respect of matters relating to complaint, scrutiny or investigation or inquiry, as the case may be.

Keeping identity of complainant confidential.

40. The Oversight Committee or the Scrutiny Panel or investigation committee may, at the request of a complainant, direct that the complainant be accorded such protection, as it deems appropriate, including keeping his identity confidential, from every body and also the Judge against whom the complaint is made.

No action for contempt to lie in certain cases.

41. After the commencement of scrutiny of complaints under this Act, no action for contempt of court shall lie or shall be proceeded with in respect of the allegations, which are the subject matter of the investigation or inquiry.

Investigation and Inquiry by Oversight Committee not to affect criminal liability.

42. Any scrutiny, investigation or inquiry pending before the Scrutiny Panel or investigation committee or Oversight Committee shall not affect the criminal liability in respect of such allegations which are the subject matter of the investigation or inquiry.

All records, documents, etc., related to complaint, scrutiny, investigation and inquiry to be confidential.

43. Notwithstanding anything contained in the Right to Information Act, 2005 or any other law for the time being in force, all papers, documents and records of proceedings related to a complaint, preliminary investigation and inquiry shall be confidential and shall not be disclosed by any person in any proceeding except as directed by the Oversight Committee: 22 of 2005.

Provided that the findings of the investigation committee and the orders passed by the Oversight Committee under clause (b) of sub-section (1) of section 34 shall be made public.

Protection of action taken in good faith.

44. No suit, prosecution or other legal proceeding shall lie against the Chairperson or any member of the Oversight Committee, Scrutiny Panel, investigation committee or against any officer or employee, agency or person engaged by such committees or panel for the purpose of conducting scrutiny or investigation or inquiry in respect of anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Laying of advice of Oversight Committee before Parliament.

45. The President, on receipt of advice under section 35, shall cause the findings of the Oversight Committee along with the accompanying materials to be laid before both Houses of Parliament.

Motion for removal of a Judge.

46. On laying of the advice of the Oversight Committee along with the accompanying material, the Central Government may move a motion in either House of Parliament for taking up the said advice for consideration by the House.

Investigation into misbehaviour or incapacity of Judge by investigation committee for removal of Judges.

47. *(1)* Notwithstanding anything contained in section 45 or section 46, if notice is given of a motion for presenting an address to the President praying for the removal of a Judge signed,—

(a) in the case of a notice given in the House of the People, by not less than one hundred members of that House;

(b) in the case of a notice given in the Council of States, by not less than fifty members of that Council, then, the Speaker or, as the case maybe, the Chairman may, after consulting such persons, if any, as he thinks fit and after considering such materials, if any, as may be available to him, either admit the motion or refuse to admit the same.

(2) If the motion referred to in sub-section (1) is admitted, the Speaker or, as the case may be, the Chairman shall keep the motion pending and the matter shall be referred to the Oversight Committee for constitution of an investigation committee under section 22.

(3) The Oversight Committee, after receipt of reference under sub-section (*2*), constitute an investigation committee under section 22 and the investigation committee shall conduct an inquiry in accordance with the provisions contained under Chapter VI and submit its report to the Oversight Committee for being submitted to the Speaker or Chairman, as the case may be, for consideration.

(4) Where it is alleged that a Judge is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the investigation committee may arrange for the medical examination of the Judge by such Medical Board as may be appointed for the purpose by the Speaker or, as the case may be, the Chairman.

(5) The Medical Board shall undertake such medical examination of the Judge as may be considered necessary and submit a report to the investigation committee stating therein whether the incapacity is such as to render the Judge unfit to continue in office.

(6) If the Judge refuses to undergo medical examination considered necessary by the Medical Board, the Board shall submit a report to the investigation committee stating therein the examination which the Judge has refused to undergo, and the investigation committee may, on receipt of such report, presume that the Judge suffers from such physical or mental incapacity as is alleged in the motion referred to in sub-section (1).

Consideration of report and procedure for presentation of an address for removal of Judge.

48. *(1)* If the report of the investigation committee contains a finding that the Judge is not guilty of any misbehaviour or does not suffer from any incapacity, then, no further steps shall be taken in either House of Parliament in relation to the report and the motion pending in the House or the Houses of Parliament shall not be proceeded with.

(2) If the report of the investigation committee contains a finding that the Judge is guilty of any misbehaviour or suffers from any incapacity, then, the motion referred to in

section 46 shall together with the report of the investigation committee, be taken up for consideration by the House or the Houses of Parliament in which it is pending.

Motion of removal of a Judge.

49. If the motion is adopted by each House of Parliament in accordance with the provisions of clause (4) of article 124 or, as the case may be, in accordance with that clause read with article 218 of the Constitution, then, the misbehaviour or incapacity of the Judge shall be deemed to have been proved and an address praying for the removal of the Judge shall be presented in the prescribed manner to the President by each House of Parliament in the same session in which the motion has been adopted.

Power of Joint Committee to make rules.

50. *(1)* There shall be constituted a Joint Committee of both Houses of Parliament in accordance with the provisions hereinafter contained for the purpose of making rules to carry out the purposes of this Act.

(2) The Joint Committee shall consist of fifteen members of whom ten shall be nominated by the Speaker and five shall be nominated by the Chairman.

(3) The Joint Committee shall elect its own Chairman and shall have power to regulate its own procedure.

(4) Without prejudice to the generality of the provisions of sub-section (1), the Joint Committee may make rules to provide for the following, among other matters, namely:—

(a) the manner of presentation of an address to the President for the removal of a Judge;

(b) the manner of transmission of a motion adopted in one House to the other House of Parliament;

(c) the travelling and other allowances payable to the members of the Joint Committee and the witnesses who may be required to attend such Committee;

(d) the facilities which may be accorded to the Judge for defending himself;

(e) any other matter which has to be, or may be, provided for by rules or in respect of which provision is, in the opinion of the Joint Committee, necessary.

Any rules made under this section shall not take effect until they are approved by each House of Parliament and are published in the Official Gazette, and such publication of the rules shall be conclusive proof that they have been duly made.

Intentional insult or interruption to Over-sight Committee.

51. *(1)* Whoever intentionally insults, or causes any interruption, to the Scrutiny Panel or investigation committee or Oversight Committee while the Oversight Committee or Scrutiny Panel or investigation committee or any of their members is doing scrutiny or conducting any investigation or inquiry under this Act, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) The provisions of sub-section (2) of section 199 of the Code of Criminal Procedure, 1973 shall apply in relation to an offence referred to in sub-section (*1*) as they apply in relation to an offence referred to in sub-section (2) of the said section 199, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction of the Oversight Committee.

Penalty for violation of confidentiality in complaint procedure.

52. If any complainant or other person, who participates in the scrutiny or investigation or inquiry as a witness or as a lawyer or in any other capacity, contravenes the provisions of section 39 or section 40 or section 43, shall be liable for punishment with simple imprisonmentfor a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Power of Oversight Committee to try certain cases.

53. When any such offence as is describedin sub-section (1) of section 51 is committed, in the view, or, in the presence, of the Oversight Committee, then the said Oversight Committee, may cause the offender to be detained in custody and may at any time on the same day take cognizance of the offence and after giving the offender a reasonable

opportunity of showing cause as to why he should not be punished under this section, try such offender summarily so far as may be in accordance with the procedure specified for summary trials under the Code of Criminal Procedure, 1973, and sentence him to simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Punishment for frivolous and vexatious complaints.

54. *(1)* Any person who makes a complaint which is found, after following the procedure under this Act to be frivolous or vexatious or made with an intent to scandalise or intimidate the Judge against whom such complaint is filed, shall be punishable with simple imprisonment which may extend to one year and also with fine which may extend to fifty thousand rupees.

(2) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973.

(a) No suit, prosecution or other legal proceeding shall lie against the complaint under this section in respect of anything which is done in good faith or intended to be done under this Act.

Offences by companies.

55. *(1)* Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch or unit nominated by the company as responsible shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Offences by societies or trusts.

56. (*1*) Where an offence under this Act has been committed by a society or trust, every person who at the time the offence was committed was in charge of, and was responsible to, the society or trust for the conduct of the business of the society or the trust, as well as the society or trust, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a society or trust and it is proved that the offence has been

committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary, trustee or other officer of the society or trust, such director, manager, secretary, trustee or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section,—

(a) "society" means any body corporate registered under the Societies Registration Act, 1860 and, "trust" means any body registered under the Indian Trusts Act, 1882;

(b) "director", in relation to a society or trust, means a member of its governing board other than an ex officio member representing the interests of the Central or State Government or the appropriate statutory authority.

Appeal to Supreme Court.

57. Any person convicted on a trial held under sub-section (*1*) of section 54 may, notwithstanding anything contained in any other law for the time being in force, appeal, within sixty days of order of such conviction, to the Supreme Court.

Power of Central Government to make rules.

58. The Central Government may make rules, in consultation with the Chief Justice of India, to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:—

(a) the form and manner in which, information is to be furnished or, annual return to be filed, under section 4;

(b) the form and manner in which complaint shall be filed under section 8;

(c) other matters in respect of which the Scrutiny Panel shall, for the purpose of scrutiny of complaint, have powers of a civil court under section 14;

(d) other matters in respect of which the Oversight Committee shall, for the purpose of inquiry or investigation of complaint have powers of a civil court under clause (*f*) of section 23;

(e) any other matter which is required to be, or may be, specified by rules or in respect of which provision is to be made by rules.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

59. *(1)* If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, after consultation with the Chief Justice of India, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Repeal and saving.

60. *(1)* The Judges (Inquiry) Act, 1968 is hereby repealed.

(2) Notwithstanding the repeal of the Judges (Inquiry) Act, 1968 (hereinafter referred to as the repealed Act) the rules made by the Joint Committee under section 7 of the repealed Act shall continue to be in force until rules are framed under section 49 of this Act.

(3) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken including any order or notice made or issued or any inquiry initiated under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken or initiated under the corresponding provisions of this Act.

(4) The mention of particular matters in sub-sections (2) and (3) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

THE SCHEDULE

[*See* section 3(1)]

JUDICIAL STANDARDS

1. Norms, including punctualityand commitment to work, guidelines and conventions essential for the conduct and behaviour of Judges, being pre-requisite for an independent, strong and respected judiciary, having integrity and detachment and impartial administration of justice as reflected in the Restatement of Values already adopted by the Conference of Chief Justices held in 1999 shall be practised by every Judge.

2. All times be conscious that he is under the public gaze and not do any act or omission which is unbecoming of the high office he occupies and the public esteem in which that office is held.

3. A degree of aloofness consistent with the dignity of his office shall be practised by every Judge.

4. Judgments should speak for themselves.

5. A judge shall refer to all the points raised by counsel in the arguments.

6. The judge shall correctly record on the docket what transpires in a proceeding on any given day.

7. If anyone attempts to communicate with a judge regarding the merits of any matter that is pending before him when the court is not in session, the judge shall report it to the Competent Authority.

STATEMENT OF OBJECTS AND REASONS

The judicial system in any country is an independent and impartial set up in any nation to remedy injustice. Justice is declared to be blind and therefore, it is on the judges to decide how to provide justice, keeping in mind that justice should be rendered to each and every citizen of the nation. Therefore, there comes the need to hold these judges to be accountable for their verdicts as it is the decision taken by the judges that decide the fate of the parties involved in a case being heard by the court.

The Judges (Inquiry) Act, 1968 was enacted with a view to lay down a procedure for removal, for proved misbehaviour or incapacity, of Judges of the High Courts and the Supreme Court by way of address of the Houses of Parliament to the President. There is, however, no legal provision at present for dealing with complaints filed by the public against Judges of the High Courts and the Supreme Court. The need for a statutory mechanism to address complaints of the public in this regard has been felt to bring greater transparency in the judiciary.

The Full Court meeting of Supreme Court of India on 7 May, 1997 had adopted "the Restatement of Values of Judicial Life". The above Restatement lays down certain judicial standards which are to be followed by the Judges of the Supreme Court and the High Courts. However, this Restatement of Values of Judicial Life does not have any legal authority and cannot be enforced. There is also no legal provision at present that requires Judges of the Supreme Court and High Courts to declare their assets and liabilities.

In the year 2012, a Government Bill, namely, "The Judicial Standards and Accountability Bill, 2010" as passed by Lok Sabha, sought to lay judicial standards and provide for accountability of judges, and establish credible and expedient mechanism for investigating into individual complaints for misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court. However, the Bill could not be taken up for discussion in the Rajya Sabha and the bill was lapsed.

Accountability is declared to be the sine qua non of any democratic nation as it secures the rights provided to the citizens and delivers justice that is meant to be equal for all. It is true that the judiciary is an independent body and it does have the authority to decide on its own way over a case. But the decisions that are made subsequently affect the public at large and therefore the judges should be held accountable for the decisions they make. Therefore, in order to regulate its function and promote impartiality among the judges while making a decision, the judiciary must strike a balance.

It is, therefore, necessary that the Central Government should enact the Judicial Accountability Bill and the proposed Bill would strengthen the institution of judiciary in India by making it more accountable thereby increasing the confidence of the public in the institution.

Hence this Bill.

NEW DELHI;
December 23, 2023.

SUDHEER GUPTA

FINANCIAL MEMORANDUM

Clause 17 of the Bill provides for establishment of National Judicial Oversight Committee comprising of a retired Chief Justice of India as the Chairperson, a Judge of the Supreme Court and the Chief Justice of a High Court to be nominated by the Chief Justice of India and the Attorney-General of India and an eminent person to be nominated by the President as members.

Clause 31 of the Bill empowers the Central Government, if requested by the investigation committee, to appoint an advocate to conduct the cases against the Judge.

Clause 32 of the Bill provides for appointment of a Secretary and such other officers and employees as the President may determine, from time to time, in consultation with the Oversight Committee.

The expenditure on account of the aforesaid provisions would be negligible. At this stage, it is not practicable to make an estimate of expenditure likely to be involved in the upcoming financial years, both recurring and non-recurring. However, the expenditure would be met from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 58 of the Bill empowers the Central Government to make rules, in consultation with the Chief Justice of India, to carry out the provisions of the proposed legislation.

Sub-clause (2) of clause 58 specifies the matters in respect of which such rules may be made. These matters, inter alia, include:

(i) the form in which the information relating to assets and liabilities is to be furnished by Judges and the form for filing annual return by Judges regarding their assets and liabilities;

(ii) the form and manner in which a complaint is to be filed;

(iii) other matters in respect of which the Scrutiny Panel and the Oversight Committee shall have powers of a civil court; and

(iv) any other matter which is required to be or may be prescribed for the purposes of the proposed legislation.

The rules made by the Central Government are to be laid before each House of Parliament.

The matters in respect of which rules may be made in accordance with the aforesaid provisions of the Bill are matters of procedure and detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 76 OF 2023

A Bill further to amend the Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Prevention and Control of Infectious and Contagious Diseases in Animals (Amendment) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new sections 19A and 19B.

2. After section 19 of the Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009, the following sections shall be inserted, namely,— 27 of 2009.

"19A. (1) The Central Government shall, by notification in the Official Gazette, establish a National Board for Prevention and Control of Lumpy Skin Diseases in such manner as may be prescribed.

(2) The composition of the National Board for Prevention and Control of Lumpy Skin Diseases and salary and allowances payable to and other terms and conditions of service of members of the National Board for Prevention and Control of Lumpy Skin Disease shall be such as may be prescribed.

19B. The National Board for Prevention and Control of Lumpy Skin Diseases established under sub-section (*1*) shall recommend the measures to be taken by the State Government for the prevention and control of lumpy skin disease.".

STATEMENT OF OBJECTS AND REASONS

The problem of Lumpy Skin Disease in the cattle rearing witnessed in various States of the country. This Lumpy Skin Disease is an infectious disease which is spreading at a rapid pace due to which various animals have died in the States of Rajasthan, Gujarat and other States. Out of the animals who have died majority are cows. Lumpy Skin Disease is an infectious disease which communicates rapidly in form of virus and affects the immunity of animals against the disease.

Lumpy Skin Disease is a serious health hazard for the cattle in India. It is the collective responsibility of the Government and all other agencies to prevent and control such infectious diseases.

Hence this Bill.

NEW DELHI;
February 28, 2023.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill vide proposed section 19A provides for the establishment of a National Board for Prevention and Control of Lumpy Skin Disease. It also provides for appointment of members to the National Board for Prevention and Control of Lumpy Skin Disease. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore per annum may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 84 OF 2023

A Bill to provide for compulsory teaching of lifestyle environment education in all educational institutions and for matters connected therewith or incidental thereto.

Whereas India has made significant commitment in the UN Climate Change Conference (UNFCCC COP26) in Glasgow on 1st November 2021 regarding the concept of Lifestyle for the Environment (Life) calling upon the global community of individuals and institutions to drive Life as an international mass movement towards "mindful and deliberate utilisation, instead of mindless and destructive consumption" to protect and preserve the environment.

AND Whereas need is to encourage a lifestyle that focuses on mindful and deliberate utilization of resources and aims to change the present 'use and dispose of consumption habits and encourage individuals to adopt simple changes in their daily life that may contribute to climate change.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the the Compulsory Teaching of Lifestyle for Environment Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "National Centre" means the National Research Centre for Promotion and Teaching of Lifestyle Environment Education constituted under section 6;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "educational institution" means a primary or a middle or a secondary or a senior secondary level school or a University or College imparting education to children, by whatever name such institution is called but does not include a minority educational institution;

(d) "environment" includes water, both surface and underground, air and land including the surface of the earth, subsoil and the forests (the flora and the fauna) and the inter-relationship which exists amongst and between water, air and land, and human beings, other living creatures and plants;

(e) "lifestyle" means way of living;

(f) "lifestyle environment education" means education creating awareness of environment and to encourage a lifestyle that focuses on mindful utilization of resources and to nudge individual and community to preserve the environment; and

(g) "prescribed" means prescribed by rules made under this Act.

Compulsory teching of lifestyle environment education in educational institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the lifestyle environment education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the National Centre.

Appropriate Government to issue directions for compulsory teaching of lifestyle environment education in educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of lifestyle environment education in educational institutions from such class onwards as it may determine, within its jurisdiction.

Appointment of teachers.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching lifestyle environment education in all educational institutions.

Constitutions of National Centre for Promotion and Teaching of Lifestyle Environment Education.

6. *(1)* The Central Government shall, within six months of the coming into force of the Compulsory Teaching of Lifestyle for Environment Act, 2023, by notification in the Official Gazette, constitute a National Centre to be known as the National Centre for Promotion and Teaching of Lifestyle Environment Education.

(2) The National Centre shall consist of such number of persons, having special knowledge or experience in the teaching of lifestyle environment education, as the Central Government may deem fit.

Functions of National Centre for Promotion and Teaching of Lifestyle Environment Education.

7. The National Centre shall perform the following functions, namely:—

(a) recommend to the Central Government the class from which onwards the lifestyle environment education shall be taught in educational institutions;

(b) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching lifestyle environment education;

(c) recommend to the appropriate Government the institutions which may be given recognition for training teachers in lifestyle environment education for the purpose of their appointment in educational institutions;

(d) co-ordinate with the appropriate Government and the school authorities with a view to ensuring effective implementation of the provisions of this Act.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

8. The appropriate Government shall derecognize educational institutions, which does not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Central Government to provide fund.

9. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effect of the Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Environmental degradation and climate change are global phenomena where actions in one part of the world impact ecosystems and populations across the globe. Estimates suggest that if requisite action is not taken against the changing environment, approximately three billion people globally could experience chronic water scarcity. The global economy could lose up to eighteen per cent. of GDP by the year 2050.

Over the last two decades, several macro measures have been implemented globally to address environmental degradation and climate change, including policy reforms, economic incentives and regulations. Despite their enormous potential, actions required at the level of individuals, communities and institutions have received limited attention.

Changing individual and community behaviour alone can make a significant dent in the environmental and climate crises. According to the United Nations Environment Programme (UNEP), if one billion people out of the global population of eight billion adopt environment-friendly behaviours in their daily lives, global carbon emissions could drop by approximately twenty per cent.

In this context, the concept of 'Lifestyle for the Environment (LiFE)' was introduced by Hon'ble Prime Minister at COP26 in Glasgow on 1st November 2021, calling upon the global community of individuals and institutions to drive LiFE as an international mass movement towards "mindful and deliberate utilisation, instead of mindless and destructive consumption" to protect and preserve the environment.

The idea behind the LiFE intiative is to put individual and collective duty on everyone to live a life that is in tune with Earth and does not harm it. This initiative encourages a lifestyle that focuses on mindful and deliberate utilization of resources and aims to change the present 'use and dispose of' consumption habits. The idea behind is to encourage individuals to adopt simple changes in their daily life that can contribute to climate change.

Another part of the LiFE mission is to use the strength of social networks to bring a change in the climate landscape. The mission also plans to create a global army of environment enthusiasts who shall be known as 'Pro-Planet People', committed to adopting and promoting environment-friendly lifestyles.

The Bill, therefore, seeks to provide for compulsory teaching of lifestyle environment education in all educational institutions statutory on the lines of the LiFE Mission to encourage individuals to adopt simple changes in their daily life that may contribute to climate change.

Hence this Bill.

NEW DELHI;
March 28, 2023.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of teachers for teaching lifestyle environment education in all educational institutions. Clause 6 provides for constitution of National Centre for Promotion and Teaching of Lifestyle Environment Education by the Central Government. Clause 9 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred and fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 296 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 15.

2. In article 15 of the Constitution, in clause 6, in sub-clause (*b*), for the words "such special provisions related to", the words "Such special provisions including age relaxation as is being provided for the socially and educationally backward classes of citizen regarding" shall be substituted.

Amendment of article 16.

3. In article 16 of the Constitution, in clause (6), for the words "any provision for the reservation of" the words "any provision for reservation, including age relaxation as is being provided for the socially and educationally backward class of citizens, in" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In pursuance of the Constitution (One Hundred and Third Amendment) Act, 2019, special provisions were made for the reservation in appointments or posts in favour of Economically Weaker Sections (EWS) of citizens. The said reservation has been given to the persons other than the backward class, mentioned in clauses (4) and (5) of article 15 and clause (4) of article 16, in addition to the existing reservation, and subject to a maximum of ten per cent. of the posts in each category. In past, the EWS citizens had largely remained excluded from attending the higher educational institutions and public employment on account of their financial incapacity to compete with the persons who are economically more privileged.

In recent times, it has also been observed that certain States like Telangana, Uttar Pradesh, Rajasthan etc., have made suitable provisions to extend the desirable benefits of age relaxation to the candidates from EWS category at par with Other Backward Classes candidates. However, the said age relaxation related benefits are not extended by most of the States and Central Government, till date. Therefore, such an anomalous state of affairs and half measures existing about reservation to EWS warrants not only an expeditious review but an amendment to Constitution itself so that Economically Weaker Sections of citizens could get a fair chance of receiving higher education as well as appropriate participation in employment in the services of the State across India. To achieve this objective, it would be highly essential to grant them the 'Age Relaxation' akin to their counterparts from Other Backward Classes category by means of carrying out an amendment in the Constitution of India.

Hence this Bill.

NEW DELHI;
July 11, 2022.

SANJAY BHATIA

Bill No. 287 of 2022

A Bill further to amend the Motor Vehicles Act, 1988

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Motor Vehicles (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

Amendment of section 41.

59 of 1988.

2. In section 41 of the Motor Vehicles Act, 1988, in sub-section (1), after second proviso, the following provisos shall be inserted, namely:—

"Provided also that no registration of new motor vehicle shall be made unless the applicant possess the requisite and valid driving license:

Provided also that if the applicant does not possess requisite and valid driving license, he may apply jointly either with his spouse or a family member possessing the requisite and valid driving license and such applicant shall be deemed to be joint owner of the said motor vehicle:

Provided also that an applicant whose license has been suspended may also be permitted to apply for registration of a new motor vehicle if the State in which the applicant intends to register permits the same:

Provided also that if the dealer registers the new motor vehicle without the requisite and valid driving license of the applicant, such dealer shall be liable to imprisonment for three months and fine as may be prescribed:

Provided also that an applicant possessing a learners license may apply for registration of a motor vehicle of upto 50 cc capacity.".

STATEMENT OF OBJECTS AND REASONS

As per section 18 of the Motor Vehicles Act, 1988 a driving license can be issued to such persons who clear the driving test. License is required to drive a vehicle, which means no person can take a vehicle for a drive without a valid license. Therefore, under section 181 of the Motor Vehicles Act, 1988, it is a punishable offence to drive a vehicle without a license.

The Bill proposes that every vehicle dealer shall check every prospective buyer for a valid driving license for registration of new car and those dealers who violate this rule and register vehicles in the name of those persons without a valid driving license, they shall be punished with an imprisonment of three months or fine shall be imposed on them.

The Bill also seeks to include an amendment making it possible for a person not having driving license, to register a motor vehicle in co-ownership with spouse, close relative, or family member etc. Such vehicles which are registered in co- ownership, cannot be sold or transferred without the agreement of both the parties and it means it would be illegal to sale the vehicle without consent of other partner.

Insurance companies follow the guidelines of Insurance Regulatory and Development Authority of India (IRDAI). According to the guidelines a valid driving license is mandatory for the vehicle driver. Therefore, if a driver does not have the driving license at the time of accident, the Insurance Company can reject the claim.

Valid driving license is necessary for the registration and without it one may face problem at the time of insurance and registration. A valid driving license is mandatory to avail the full coverage of insurance. Hence having a valid driving license is a necessity.

The Bill also provides for registration of vehicle with a suspended license but it depends on the policy of concerned State in this regard.

Hence this Bill.

NEW DELHI;
November 21, 2022

SANJAY BHATIA

BILL NO. 285 OF 2019

A Bill to provide for a framework to enable India to ban plastic manufacturing to safeguard the environment

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Plastic Manufacturing (Regulation) Act, 2019.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "fund" means the Extended Producer Responsibility Fund constituted under section 6;

(c) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins or multimaterials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate or polybutylene terephthalate;

(d) "plastic packaging" means all products which are—

(i) used for the containment, protection, handling, delivery and presentation of goods; and

(ii) partly or wholly composed of plastic;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "single-use plastic" means any disposable plastic item which is designed to be used only once before it is thrown out or recycled and includes plastic forks and knives, plastic shopping bags, plastic coffee cup, lids, plastic water bottles, styrofoam, plastic take out containers and plastic straws.

Plastic target setting.

3. The Central Government shall, within three months from the commencement of this Act,—

(a) prescribe a target of complete elimination of plastic waste by the year 2050 in accordance with international obligations, if any, agreed to by India:

(b) specify the year 2022 as target year to implement a complete ban on single-use plastic and the proportion of reduction of single-use plastic during each year following the date of fixing of target year 2022; and

(c) formulate and implement a National Plastic Control Strategy for carrying out the purposes of this Act.

Phasing out of existent plastic.

4. The appropriate Government shall take measures to ensure—

(a) elimination of the production and use of plastics including plastic packaging single-use plastic.

(b) increase in recycling, reuse and other forms of waste recovery in relation to plastics; and

(c) removing plastics already in the environment for the purpose of recycling, reusing or applying another form of waste recovery to the plastics.

Ban on single use plastic items.

5. Notwithstanding anything contained in any other law for the time being in force, no person shall, after the target year 2022, use, stock, distribute, manufacture, sell or trade in any single-use plastic item.

Constitution of Extended Producer Responsibility Fund.

6. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Fund to be called the Extended Producer Responsibility Fund for improving the plastic waste treatment system.

(2) There shall be credited to the fund—

(a) any grants and loans made by the Central Government or any State Government;

(b) any voluntary donations or contributions, whether or not for any specific purpose as may be decided upon by the Central Government;

(c) any fine recovered as penalty for the commission of an offence punishable under this Act;

(d) portion of the Corporate Social Responsibility (CSR) fund received from any company as notified by the Central Government in the Official Gazette; and

(e) such other sums as may be received.

(3) The Extended Producer Responsibility Fund shall be utilized under this Act by the Central Government for—

(i) funding of any national or State level research study or project for development of innovative and efficient methods of treatment of plastic waste;

(ii) raising awareness regarding the impact of plastic waste and the benefits of recycling plastic waste and its substitution with bio-degradable alternatives;

(iii) funding of small scale recyling or waste to energy plants on a district level; and

(iv) any other activity that may be required for effective implementation of this Act.

Central Government to appoint Officer and Staff.

7. *(1)* The Central Government may appoint such number of officers with such designation as it deems fit for the purpose of this Act and may entrust to them such powers and functions under this Act as may be prescribed.

(2) Any person who is appointed as an officer under sub-section (1) and is empowered by the Central Government in this behalf, if he has reason to believe that plastic packaging or plastic items as stated under section are being manufactured, stored, transported or distributed in any premises contrary to section 4, may enter into and search such place, premise or vehicle.

(3) Where, as a result of the search made under sub-section (2), any plastic packaging item in contravention of section 4 are found, the authorized officer may seize such item and any other item which he may consider necessary under the provisions of this Act.

4 of 1974.

(4) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

Penalty.

8. Whoever violates the provision of this Act shall be punished with a fine which shall not be less than rupees one lakh but which may extend upto rupees five lakhs.

Central Government to provide requisite funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to make rules.

10. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Plastic waste is not managed effectively in the world and especially in India. Further only nine per cent of nine billion metric tons of plastic ever produced has been recycled and that most plastic ends its life in landfills, dumps and the environment. If current patterns of consumption and waste management practices are not altered, by 2050 there will approximately 12 billion metric ton of plastic litter in the environment. India's 1.3 billion population currently produces 25,940 metric tonnes of plastic waste per day.

While plastic plays an important role in the economy, plastic packaging accounts for about half the plastic waste in the world, and that the poor management of that waste affects the environment. The serious environmental, social and economic impact of plastic waste and pollution including the clogging of sewers and blocking of waterways, leading to breeding of mosquitoes and other pests and the blocking of airways and stomachs of animals. This makes plastic waste management absolutely essential.

India thus needs to develop and implement national or regional actions, as appropriate, to address the environmental impacts of single-use plastic products. We also need to promote the identification and development of environmentally friendly alternatives to single-use plastic products, after taking into account the full life-cycle implications of those alternatives. It is essential to promote improved waste management that will contribute to reducing the discharge of plastic waste into the environment. We also need to work together with industries to encourage the private sector to innovate and find affordable and environmentally friendly alternatives to single-use plastic products and to promote business models that take into account the full environmental impact of their products. The Government and the private sector together must promote the more resource-efficient design, production, and use and sound management of plastic across their life cycle.

Hence this Bill.

New Delhi;
October 31, 2019.

JASBIR SINGH GILL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall take measures to increase in recycling, reuse and other forms of waste recovery in relation to plastics. Clause 6 provides for constitution of an Extended Producer Responsibility Fund for improving the plastic waste treatment system in the country. Clause 8 provides that the Central Government shall provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred and fifty crores would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees sixty crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 34 OF 2023

A Bill to provide for compulsory teaching of moral ethics in all educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows :—

Short title and commencement.

1. *(1)* This Act may be called the Compulsory Teaching of Moral Ethics in Educational Institutions Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Advisory Council" means the Advisory Council for Teaching Moral Ethics constituted under section 6;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "educational institution" means a primary or a middle or a secondary or a senior secondary level school or an University or College imparting education to children, by whatever name such institution is called but does not include a minority educational institution;

(d) "moral ethics" means philosophy based on teaching of good principles and values cherished for years including regard and respect for elders, parents, teachers and guardians and setting reasonable standards of virtues and reinforcing discipline among students with a view to enable them to distinguish between right and wrong; and

(e) "prescribed" means prescribed by rules made under this Act.

Compulsory teaching of moral ethics in educational institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, moral ethics shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council.

Appropriate Government to issue directions for compulsory teaching of moral ethics in educational instituions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of moral ethics in educational institutions within its jurisdiction.

Appointment of teachers.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching moral ethics in all educational institutions.

Constitution of Advisory Council for Teaching Moral Ethics.

6. *(1)* The Central Government shall, within six months of the coming into force of the Compulsory Teaching Moral Ethics in Educational Institutions Act, 2023, by notification in the Official Gazette, constitute an Advisory Council for Teaching Moral Ethics.

(2) The Advisory Council shall consist of such number of persons, having special knowledge or experience in the teaching of moral ethics, as the Central Government may deem fit.

Functions of Advisory Council for Teaching Moral Ethics.

7. The Advisory Council shall perform the following functions, namely:—

(a) recommend to the Central Government the class from which moral ethics shall be taught in educational institutions;

(b) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching moral ethics;

(c) recommend to the appropriate Government the institutions which may be given recognition for training teachers in moral ethics for the purpose of their appointment in educational institutions;

(d) co-ordinate with the appropriate Government and the school authorities with a view to ensuring effective implementation of the provisions of this Act.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

8. The appropriate Government shall derecognize educational institutions, which does not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Central Government to provide fund.

9. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effect of the Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A child learns from whatever he observes around and, therefore, society, parents and the State owe a duty to create an atmosphere in which children may have all round development. It has been generally believed among different sections of the society that morality and respect to moral values is the fulcrum of any society.

Morality plays a vital role in our daily life. It is very necessary for every person to have certain basic knowledge of moral values and ethics.

It has been said that "Knowledge is the Power", and indeed it is not wrong. It is responsibility of our education system to make a common man morally sound. Current education system in educational institutions lays emphasis on imparting quality education. However, it is missing out on imparting teaching of the moral ethics and values and is, therefore, incomplete without it.

The Bill, therefore, seeks to provide for teaching moral ethics compulsory in all educational institutions to make every students who are the future of the country to grow mature and easily distinguish between the right and the wrong.

Hence this Bill.

NEW DELHI;
January 24, 2023.

RAVI KISHAN

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of teachers for teaching moral ethics in all educational institutions. Clause 6 provides for constitution of Advisory Council for Teaching Moral Ethics by the Central Government. Clause 9 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 48 OF 2023

A Bill to amend the Central Sanskrit Universities Act, 2020.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. *(1)* This Act may be called the Central Sanskrit Universities (Amendment) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the First Schedule.

2. In the First Schedule to the Central Sanskrit Universities Act, 2020, in entry 2, under the heading "Name of the Campus", after item (b), the followinig item shall be inserted, namely:—

"(c) Gorakhpur Campus".

STATEMENT OF OBJECTS AND REASONS

The Sanskrit language represents the soul of India. It has been the vehicle of Indian thoughts for millions. Sanskrit contains literature of exemplary value and the finest Indian minds found the expression in it. Sanskrit is not only mother of different Indian languages but also of some foreign languages.

In a situation where the new generation is running away from its own roots and has developed contempt for the cultural traditions of our country, the importance of teaching Sanskrit becomes crucial. The time has come when we must make sincere efforts to make the new generation aware of the great traditions and thoughts of India. It is important to highlight here that relation between Sanskrit language and Indian scheduled and non-scheduled languages are symbiotic in nature and as a result, development of Sanskrit means development of other languages also.

The Government has enacted the Central Sanskrit Universities Act, 2020 to establish and incorporate Universities for teaching and research in Sanskrit and develop all-inclusive Sanskrit promotional activities. Under the said Act, the Lucknow Campus and the Ganganath Jha campus of the Central Sanskrit University has been established in respect of the State of Uttar Pradesh. However, the need has been felt to establish the campus in Gorakhpur district to enable the propagation and teaching of Sanskrit in the Gorakhpur and nearby districts of the State of Uttar Pradesh.

The Bill, therefore, seeks to amend the Central Sanskrit Universities Act, 2020 with a view to establish a campus of the Central Sanskrit University at Gorakhpur in the State of Uttar Pradesh.

Hence this Bill.

New Delhi;
January 24, 2023.

RAVI KISHAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to establish a campus of the Central Sanskrit University at Gorakhpur in the State of Uttar Pradesh. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 28 OF 2023

A Bill to provide for protection of traditional fishermen in the country and for welfare measures including life insurance coverage, healthcare, educational facilities to the children of traditional fishermen and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. *(1)* This Act may be called the Traditional Fishermen (Protection and Welfare) Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notificatioinn the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "accident" means an accident caused during the course of fishing activity including drowning;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Authority" means the National Traditional Fishermen Welfare Authority constituted under section 4;

(d) "traditional fisherman" means a person who generation by generation earns his livelihood by catching fish from the fisheries and whose only source of income is the money he earns from selling such fish;

(e) "fisheries" which includes the management, catching, processing and marketing of fish; and

(f) "Fund" means the Traditional Fishermen Welfare Fund constituted under section 6; and

(g) "prescribed" means prescribed by rules made under this Act.

National Policy for the welfare of traditional fishermen.

3. The Central Government shall, as soon as may be, but within one year from the commencement of this Act, formulate, in consultation with the Government of the States having substantial population of fishermen, a national policy for the welfare of traditional fishermen and their families and protect their fishing rights and interests.

Constitution of the National Traditional Fishermen Welfare Authority.

4. *(1)* The Central Government shall, as soon as may be, by notification in Official Gazette, constitute an Authority to be known as the National Traditional Fishermen Welfare Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

(3) The Authority shall consist of—

(a) a Chairperson having adequate knowledge and professional experience in fisheries sector to be appointed by the Central Government in such manner as may be prescribed;

(b) a Deputy Chairperson with such qualification, to be appointed by the Central Government in such manner as may be prescribed;

(c) three members to represent traditional fishermen to be appointed by the Central Government in such manner as may be prescribed;

(d) four members to represent the Union Ministries of Ministry of Fisheries, Animal Husbandry & Dairying (Department of Fisheries), Finance, Planning and Labour and Employment, to be appointed by the Central Government in such manner as may be prescribed;

(e) five members of Parliament, of whom three shall be from the House of the People and two shall be from the Council of States, to be nominated by the Presiding Officers of the respective Houses; and

(f) four members to be nominated by the Government of the States on rotation basis in alphabetical order.

(4) The term of Office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the Authority shall be such as may be prescribed.

(6) The headquarter of the Authority shall be at Gorakhpur in the State of Uttar Pradesh.

(7) The Authority may establish its offices at such other places, as it may deem necessary for carrying out the purposes of this Act.

(8) The Authority shall have a secretariat with such Officers and members of staff and with such terms and conditions of services as may be prescribed.

Functions of the Authority.

5. *(1)* The Authority shall, subject to guidelines issued by the Central Government in this regard, in coordination with the State Governments take, steps for the overall welfare of traditional fishermen including, removal of poverty and indebtedness, raising the standard of living and making easy availability of market for selling fish.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(a) implement the national policy for the traditional fishermen formulated under section 3;

(b) maintain records of traditional fishermen in all villages and districts throughout the country;

(c) maintain a district-wise register of traditional fishermen with such particulars and in such manner as may be prescribed;

(d) provide modern tools and techniques for fishing to the traditional fishermen;

(e) encourage and provide all necessary assistance to traditional fishermen cooperatives;

(f) organize exhibitions, melas and such other activities to promote fisheries in different parts of the country;

(g) make suitable arrangements for purchase of fishes by Government agencies on cash and carry basis;

(h) encourage export of fish; and

(i) perform such other functions as may be assigned to it by the Central Government from time to time.

Constitution of the Traditional Fishermen Welfare Fund.

6. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Traditional Fishermen Welfare Fund with a corpus of rupees five thousand crore.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donations, contributions, assistance or otherwise from individuals, body corporates, financial institutions, firms and partnerships.

(4) The Fund shall be administered by a Board of Trustees, which shall be constituted by the Central Government in such manner as may be prescribed.

(5) The Fund shall be utilized for:—

(a) interest free loans to traditional fishermen for purchasing of boats, nets and life boat;

(b) making *ex-gratia* payments at prescribed rates to each of the bereaved families of traditional fishermen who die in accident;

(c) life insurance cover to the traditional fishermen and their families;

(d) healthcare facilities to the traditional fishermen and their dependent family members;

(e) financial assistance to the traditional fishermen for the purchase and repair of fishing nets, boats and other equipments required for fishing;

(f) unemployment allowance during illness or financial crisis during lean periods;

(g) providing educational facilities and vocational training to the wards of traditional fishermen; and

(h) such other welfare measures as may be prescribed.

Miscellaneous Provisions.

7. The appropriate Government shall,—

(a) establish adequate number of schools and vocational training institutes and healthcare centres in and around the areas inhabitated by traditional fishermen for their benefit including their families and children;

(b) protect the fishing rights and interests of the traditional fishermen; and

(c) take such other measures as it may deem necessary for the protection and welfare of traditional fishermen.

Central Government to provide Funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority such sums as may consider necessary for the efficient functioning of the Authority.

Annual Report.

9. *(1)* The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(2) The Central Government shall cause the report submitted to it under sub-section (*1*) to be laid before each House of Parliament.

Power to remove difficulties.

10. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Act not in derogation of any other law for time being in force.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

12. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of traditional fishermen spread across various parts of our country. In the State of Uttar Pradesh the traditional fishermen are termed as '*nishad*' or '*mallah*'. Their main occupation and means of livelihood is catching fish and selling it in the market and they are doing this for generations. However, the fishermen and their families live in abject poverty nearly hand to mouth. There are many problems experienced by traditional fishermen, including a lack of skills, limited facilities, and extreme competition.

For most of the traditional fishermen, it is their family profession which passes on from one generation to other and their entire families are involved in this profession. For them, fishing is the only source of their livelihood and prosperity.

Since the poor fishermen are part and parcel of our society and ours being a welfare State, it is necessary that the fishermen too are provided with adequate insurance cover against accidents, healthcare, financial assistance in case of need, educational, vocational facilities for their children, etc.

Urgent remedial measures have to be taken for the welfare and protection of traditional fishermen. It has, therefore, been proposed to establish the National Traditional Fishermen Authority and also the Traditional Fishermen Welfare Fund to improve the lot of traditional fishermen and save them from starvation in various parts of our nation.

Hence this Bill.

New Delhi; RAVI KISHAN
January 23, 2023.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to constitute the National Traditional Fishermen Welfare Authority. Clause 5 provides for certain steps to be taken by the Authority for welfare of traditional fishermen. Clause 6 provides for the constitution of the Traditional Fishermen Welfare Fund. Clause 7 provides for the appropriate Government to establish adequate number of schools and vocational training institutes and healthcare centres in and around the areas inhabitated by traditional fishermen for their benefit including their families. Clause 8 provides that the Central Government shall provide Funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 22 OF 2023

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. *(1)* This Act may be called the Constitution (Amendment) Act, 2023. Short title and commencement.

(2) It shall come into force such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In Part IV of the Constitution, after article 48A, the following article shall be inserted, namely:— Insertion of new article 48B.

"48B. The State shall endeavour to reduce emissions and eventually realize the goal of net zero emission for a clean sustainable and habitable environment which shall provide for a inclusive posterity, for all citizens." Achieving net zero emissions for a sustainable future.

STATEMENT OF OBJECTS AND REASONS

Climate change and its allied issues are a pressing contemporary concern which transcend political borders and impact people across nationalities. The challenge to mitigate, sustain and adapt climate change though enormous, also brings up a historic and unparalleled opportunity for the human race to collectively work for the future of its existence. In such a scenario, India joined other responsible nations with the declaration of its pledge of net zero emissions by 2070 and further released its long-term strategy of achieving net zero emissions by 2070 at the recent 27th Conference of Parties (COP-27) in Egypt's Sharm el-Sheikh.

In such a state of affairs, it is imperative that federal polity of the country should work cohesively to contrive a path of national development which is distinctive yet at the same time serves balance between economic growth and climate sustainability. The state policy considerations demand inclusion of net zero emission targets to make long-term low emission development strategy a success, for the world to witness.

Directive Principles of State Policy (DPSP) under Part IV of the Constitution have played a pivotal role in guiding the policies in India. They have been amended periodically as per the dynamic situations. Therefore in the light of contemporary exigencies, insertion of this new article is imperative.

This amendment will provide a mandate which has also become necessary to fulfil and implement other existing elements of DPSP such as in articles 38, 47, 48A, 49 and 51. It also includes the expression "inclusive" to ensure participation, balancing livelihood and growth of all the citizens of our nation in this new phase of developmental journey.

Hence this Bill.

New Delhi;
November 24, 2022.

SUNITA DUGGAL

Bill No. 59 of 2020

A Bill to prevent wasteful expenditure on special occasions such as weddings and festivals with a view to bring positive changes in the lives of the underprivileged and the destitute and for matter connected therewith.

BE it enacted by Parliament in the Seventy-first year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Wasteful Expenditure on Special Occasions Act, 2020.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "designated Authority" means an authority or an officer designated for the purpose of registration of marriages under this Act;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "special occasion" means any event worth celebrating and includes weddings, festivals, and such other occasions; and

(e) "supporting organization" means the any organisation engaged in creating awareness among public for prevention of wasteful expenditure on special occasions and encouraging people to donate for charity on such occasions.

Prevention of wastage during marriage functions.

3. *(1)* Notwithstanding anything contained in any other law for the time being in force or of any custom or ritual, all special occasions shall be conducted in a simple manner without incurring extravagant or wasteful expenditure, show of wealth or lavish spending.

(2) Without prejudice to the generality of the provision contained in sub-section (*1*), on the occasion of solemnization of marriage—

(a) not more than one hundred guests shall be invited;

(b) not more than ten number of dishes shall be served;

(c) the value of gifts given during invitation card distribution shall not exceed rupees twenty-five hundred; and

(d) practice of donation to poor, needy, orphans or weaker sections of the society or to non-Governmental organisations working for charity shall be encouraged instead of extravagant gifts:

Provided that donations and gifts may be combined if amount of gift is less than the prescribed limit as specified in clause(*c*).

(*3*) The appropriate Government shall prescribe necessary guidelines to be followed for effective implementation of the provisions of this Act.

Encouragement to Supporting Organizations.

4. Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary,—

(a) supporting organizations shall be encouraged to create awareness among public about the importance of practice of minimum expenditure on special occasions and disseminate the provisions of this Act, and

(b) practice of donating for charity purpose on special occasions shall be encouraged.

Penalty.

5. Whoever contravenes the provisions of section 3 shall be punishable with simple imprisonment for a term which may extend to six months and also with fine which may extend to fifty thousand rupees;

Power to remove difficulties.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this act, as it appears to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

These days, it has become fashionable to spend like feudals on special occasions such as marriages and festivals. The guest list is very long and the food menu layout is vast which leads to lot of wastage. Not only this, a lot of wastage occurs at the time of distribution of marriage cards or post-wedding gifts. Similarly, a lot of wastage occurs on festivals due to practices of exchanging gifts. That also deserves significant attention.

On weddings, practice of a vast food layout, decoration, bands, music and number of guests invited has become a status symbol and a symbol of show-off. Analogously, on festivals thoughtless exchange of gifts is very wasteful. Festivals must be a time to remember the almighty and do good to society. But often, the core concept of festivals get lost in the show-off that many do, by exchanging fancy gifts. That money could instead be donated and smaller gifts distributed.

In fact, on special occasions, food waste and loss has been rapidly increasing in India. According to the United Nations Food and Agriculture Organisation (FAO), every year around 1.7 billion tonnes, or almost one third of food produced for human consumption, is lost or wasted globally.

As per the Global Hunger Index, 2019 India has a rank of 102 out of 117 countries. The NFHS4 (2015 &16) estimated 46.8 million under five children in India are stunted and this represents one-third of total stunted children across the globe. Food loss or waste also amount to a major squandering of resources, including water, land, energy, labour and capital and it also needlessly produce greenhouse gas emissions, contributing to global warming and climate change.

It is high time for our country to stand up against this unmeaningful and wasteful expenditure. So we should decide that not more than one hundred guests and not more than ten dishes should be allowed.

Hence this Bill.

NEW DELHI; JASBIR SINGH GILL

January 22, 2020.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only the delegation of legislative power is of normal character.

BILL NO. 190 OF 2022

A Bill further to amend the Food Safety and Standards Act, 2006.

BE it enacted by Parliament in the Seventy—third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Food Safety and Standards (Amendment) Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

34 of 2006.

2. In section 3 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in sub-section (1),—

"(*a*) after clause (c), the following clause shall be inserted, namely:—

"(ca) "child" means a boy or a girl who has not attained the age of sixteen years;";

(*b*) after clause (h), the following clause shall be inserted, namely:—

"(ha) "diabetes" means a non-communicable disease that occurs either when pancreas does not produce sufficient insulin or when the body becomes resistant to insulin and leads to serious damage to the heart, blood vessels, eyes, kidneys and nerves;"; and

(*c*) after clause (zs), the following clause shall be inserted, namely:—

"(zsa) "soft drink" means water based flavored drink usually with added carbon dioxide and natural or synthetic sweeteners used interchangeably with carbonated drinks or aerated drinks or sweetened beverages and includes,—

(*i*) soda;

(*ii*) cola;

(*iii*) carbonated water;

(*iv*) juice;

(*v*) nectar;

(*vi*) syrup;

(*vii*) still drinks;

(*viii*) ready to drink caffeine containing beverages;

(*ix*) sports drinks; and

(*x*) energy drinks;

Insertion of new Chapter IIA.

3. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—

" CHAPTER IIA

REGULATION OF SALE OF SOFT DRINKS CAUSING DIABETES AMONGST CHILDREN

Labelling of soft drinks.

17A. The soft drink containing high sugar, calories, saturated fat or any other ingredient beyond limits stipulated and detrimental to health and causing diabetes of children shall bear label warning about the presence of excess ingredient in black bold letters.

Prohibition of sale of soft drinks to child.

17B. The sale of soft drinks as labelled under 17A to any child shall be prohibited.

Prohibition on advertising of labelled soft drink.

17C. All soft drink labelled under section 17A shall not be advertised in print, television or any other form targetting children below the age of sixteen years.

Imposition of sugar tax for sale of labelled soft drink.

17D. Whoever sells a labelled soft drink in contravention of the provisions of this Chapter shall be imposed such rate of sugar tax as the Central Government may, in consultation with State Governments specify.

Punishment for advertisement of labelled soft drink.

17E. Whoever advertises a labelled soft drink in contravention of provisions of this Chapter shall be punished with imprisonment for a term which may extend upto Six months and fine which may extend upto rupees twenty-five thousand .".

STATEMENT OF OBJECTS AND REASONS

In the recent past Center for Science in the Public Interest (CSPI) an United States based health advocacy group in its report titled "Carbonating the World" says "producers of sugar—sweetened beverages are investing heavily in low and middle income countries in the wake of declining sales in wealth and developed countries". As various laws of the land ensures freedom to conduct business and trade but it has to come up with reasonable restriction. The point which pricks the conscience is that always developing countries has been seen as dumping yard for goods which did not sell properly in those countries and shift to low and middle income countries. The same happened when cigarette sales sagged in the United States where companies were swiftly shifting to developing countries. Specifically the multinational companies spend several billion dollars in the country such as Brazil, China, India and Mexico in the entire process of soft drinks making and advertize their product to maximize the sales. Indian soft drinks industry has an annual sale of more than US $ 10 billion and about to grow six to seven per cent. annually.

India is experiencing increased consumption of sugar-sweetened carbonated drinks as recent statistics released by International Diabetes Federation (IDF) shows that 77 million adults living with diabetes. In past edition of same IDF has estimated that 1,28,500 children and adolescents with diabetes in India. According to a study published in the Indian Journal of Endocrinology and Metabolism it has estimated that India is home to about 97,700 children with Type-1 diabetes mellitus. If we consider under-reporting or not reporting the actual figures may be higher. Type-1 diabetes in the children means is that their body no longer produces insulin which needed to regulate blood sugar. Usually Type-1 diabetes occur at adolescence age precisely at 14-16 years of age.

Consuming sugar-sweetened carbonated drinks is major reason for Type-2 diabetes among overweight or obese children. Quoting from WHO e-LENA by Director of Policy, World Obesity Federation, London UK "… consumption of sugar-sweetened beverages has been suggested as a contributory factor to the rising levels of childhood obesity or overweight…" which in turn result in cause of Type-2 diabetes a case where body produces insulin but not able to use it or often called as insulin resistance. Drinking sugar-sweetened beverages contribute to increase weight gain. WHO recommends 6 teaspoon of sugar a day which is approximately 25 g of sugar. A half litre of sugary carbonated drinks contributes about 80% of recommended added sugars to be consumed in a day. Consumption rapidly increases blood sugar levels and this can lead to tiredness and increased hunger even in people without diabetes, so it has to be looked in a comprehensive way that restrict the sales of soft drinks for reducing the risk of Type-1 diabetes of all type.

The proposed Bill foresees two pronged approach in restricting the sales of soft drinks. Firstly, applying sugary tax in India as is being followed in more than fifty countries. As India also has high tax on aerated beverages as high as twenty-eight per cent. GST but the need is to tax all type of soft drinks and spend the amount received from tax on health and nutritional aspect. Secondly, restricting the advertisement of soft drinks targeting children and adolescence, who may not be aware of persuasive intent. There is evidence that restriction of child—focused advertisement on sugary sweetened beverages improved child dietary habits and decrease soft drink consumption. The consumption of soft drinks or sugar-sweetened beverages or carbonated or aerated drinks among children who may not have the awareness to know the persuading intent is often resulting in regular consumption of soft drinks among children below sixteen years has to be restricted by keeping their health potential and reduce the risk of diabetes among them.

Hence this Bill.

NEW DELHI;
November 26, 2021.

DNV SENTHIL KUMAR S.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(*1*) AND 274(*1*) OF THE CONSTITUTION

[Copy of letter No. P.15025/159/2021—FR dated 22 September, 2022 from Dr. Mansukh Mandaviya, Minister of Health and Family Welfare and Chemicals and Fertilizers to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Food Safety and Standards (Amendment) Bill, 2022 (Amendment of Section 3, etc.) by Dr. DNV Senthilkumar S., Member of Parliament, has recommended for introduction of the Bill under articles 117(*1*) and 274(*1*) of the Constitution in Lok Sabha.

BILL NO. 195 OF 2022

A Bill to provide for equal compensation to victims of accidents by the Government and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Victims of Accident (Equal Compensation) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "accident" means an unexpected and undesirable incident resulting in injury or death of a person during travel by road, railway or air or due to natural disasters, or terrorist or extremists activities or stampede;

(*b*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(*c*) "compensation" means financial assistance provided by the Central Government to the victim or his dependent;

(*d*) "dependent" means the parents, spouse, children or siblings of the victim;

(*e*) "Fund" means the Victims of Accident Compensation Fund constituted under section 4;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "qualified medical practitioner" means any person declared by the appropriate Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purposes of this Act; and

(*h*) "victim" means a person killed or injured in any accident.

Equal compensation to victims of accidents.

3. (*1*) The Central Government shall after taking into consideration the loss or injury sustained, pay equal amount of compensation to every victimin such manner as may be prescribed.

(*2*) The amount of compensation shall be as follows:—

(*i*) where death results from the accident, the dependents of the victim shall be paid rupees twenty lakhs;

(*ii*) where permanent disability results from the accident, the victim shall be paid rupees ten lakh;

(*iii*) where temporary disability results from the accident, the victim shall be paid rupees four lakh; and

(*iv*) where ordinary injury results from the accident, the victim shall be paid rupees one lakh.

(*3*) The nature of injury suffered by a victim shall be examined and reported by a qualified medical practitioner, in such manner as may be prescribed.

(*4*) The compensation amount shall be disbursed to the victimor to his dependent within one week from the date of receipt of report of the qualified medical practitioner under sub-section (3).

Constitution of Victims of Accident Compensation Fund.

4. (*1*) The Central Government shall constitute a Fund to be known as the Victims of Accident Compensation Fund for carrying out the purposes of this Act.

(*2*) The State Governments shall contribute to the Fund in such proportion as may be prescribed.

(*3*) Such other sums as may be received by way of donation or contribution both from domestic and international institutions shall also be credited to the Fund.

(*4*) The Fund shall be administered by a Board to be known as the Victims of Accident Compensation Board, consisting of:—

(*i*) the Prime Minister—*ex-officio* Chairperson;

(*ii*) the Chief Ministers of every State and Lieutenant Governor or Chief Administrators of Union territories—*ex-officio*; and

(*iii*) ten retired judges of High Court to be appointed by the Central Government in such manner as may be prescribed as members.

State Government to furnish statistical information.

5. The Central Government may require a State Government to furnish such statistical and other information as may be necessary for implementation of the provisions of this Act, in such form and within such period as may be prescribed.

Constitution of a special team by the appropriate Government.

6. (*1*) The appropriate Government shall constitute a Special Team to effectively implement the provisions of this Act within their jurisdiction.

(*2*) The Special Team shall consist of ten members of which five shall be appointed by the Central Government and five by the State Government in such manner as may be prescribed.

(*3*) The Special Team shall—

(*i*) visit the accident site and collect information relating to the victims;

(*ii*) submit the accident related information to the Victims of Accident Compensation Board;

(*iii*) ensure that the victims receive the compensation within the time limit prescribed under this Act; and

(*iv*) undertake any other work that may be assigned by the Board.

(*v*) The salary and allowances payable to, and other terms and conditions of service of members of the special Team appointed under sub-section (2) shall be such as may be prescribed.

Central Government to provide adequate funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Savings.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.

Power to make rules.

9. (*1*) The Central Government may, be notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Constitution provides right to equality to every citizen as a Fundamental Right. There is a provision for equality and non-discrimination before law under articles 14 to 16 and for social equality under articles 17 and 18 of the Constitution. The right to equality provided by the Constitution provides that all persons within the territories of India should get equal protection under the law and should be treated equally in similar situations. In case of accident financial assistance is provided as compensation to affected persons. However in case of death of the accident affected person the relatives of the deceased have to go to court for justice which is unfortunate. Thousands of suits are filed in courts for similar compensation in similar situations. In many cases, courts have also given decisions to provide for equal amounts. Despite this, there is no clear policy of the Government. Everything depends on the administrative decision. Now, the time has come to formulate a law providing for payment of fixed amounts as compensation to the next kin of deceased and to the injured in accidents.

Hence this Bill.

NEW DELHI;
March 7, 2022

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for equal compensation to accident affected persons. Clause 4 provides for constitution of a Victims of Accident Compensation Fund. Clause 6 provides for the appropriate Government to constitute Special Team to implement the provisions of this Act. It also provides for appointment of five members to each special Team by the Central Government. Clause 7 provides that the Central Government shall provide adequate funds to carry out provisions of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty five thousand crore per annum will be involved.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 117 OF 2022

A Bill to provide for the use of official language in the proceedings of High Courts and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Seventy—third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the High Courts (Use of Official Languages) Act, 2022.

(*2*) It shall extend to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the date as may be notified by the appropriate Government for the purposes of this Act;

(*b*) "appropriate Government" means,—

(*i*) in relation to the High Court for a State, the Government of that State; and

(*ii*) in relation to other High Courts, the Central Government;

(*c*) "documents" means documents as defined in section 3 of the Indian Evidence Act, 1872; 1 of 1872.

(*d*) "High Court" means any Court as defined in clause (14) of article 366, or established under article 231 of the Constitution and includes its Benches;

(*e*) "official language" means the official language of the Union under article 343 of the Constitution and includes the language in use for official purposes in any State in which the High Court for that State is located;

(*f*) "party" includes any person authorized by the party to the matter or an advocate for the party; and

(*g*) "proceedings" includes pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgement, decree or order and such other matters as may be prescribed by the High Court.

Right of the party to prefer official language in conduct of proceedings.

3. (*1*) From the appointed day any party to the proceedings before a High Court shall have the right to prefer the official language in conduct of such proceedings in that High Court.

(*2*) The party to the proceedings shall make an application to the High Court for the conduct of the proceedings in the official language in such manner as may be laid down by that High Court under section 4.

Conduct of proceedings in High Court.

4. (*1*) Where any party to the proceedings has made preference for the conduct of proceedings in official language, the High Court shall conduct proceedings before it in the official language.

(*2*) The High Court may lay down by rules the procedure for conduct of proceedings in the official language:

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the official language.

Measures by appropriate Government.

5. The appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure in the concerned High Court within its jurisdiction for conduct of proceedings in the official language in that High Court from the appointed day.

Explanation.—For the purpose of this section, requisite infrastructure includes appropriate translation and typing facility in the official language and such other facilities as may be necessary for conduct of the proceedings in the official languages.

STATEMENT OF OBJECTS AND REASONS

Article 348 of the Constitution of India envisages law by Parliament that may prescribe a language other than English for the proceedings of the High Courts. The right to fair hearing cannot be done until the litigant understands the language of the hearing. There is a legal maxim that justice should not only be done but the same should also appear to have been done.

Hence this Bill.

NEW DELHI;
March 7, 2022.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 5 provides that the appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure to the concerned High Court within its jurisdiction for conduct of proceedings in the official language in that High Court from the appointed day. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure to be involved.

BILL NO. 129 OF 2022

A Bill further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Railways (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1989.

Insertion of new section 24A.

2. After section 24 of the Railways Act, 1989, the following section shall be inserted, namely:—

Special Provisions of railway at Thawe junction in the State of Bihar.

"24A. Notwithstanding anything contained in sections 22, 23 and 24 of the Act, the Central Government may, by notification, sanction the running or extension or diversion of super fast trains via Thawe junction in the State of Bihar by approving the proposal received from the Railway Division of the North-Eastern Region and extension of train No. 22411/22412 (Arunachal Express) via route Siwan-Thawe-Kaptanganj- Gorakhpur.".

STATEMENT OF OBJECTS AND REASONS

The section of Varanasi division of North-Eastern Railway which comprises Thawe-Gopalganj junction is facing number of challenges and disadvantage due to non—availability of superfast trains for various metropolitan cities of the country. To overcome such difficulties and to make railway connectivity from this neglected section by providing the train facilities would certainly provide ample revenue to railways.

At Thawe junction in the Thawe-Gopalganj section, there is one of the most important and reverable religious peeth. Seeing the rush of pilgrims during normal days and huge rush during auspicious days, and considering the fact that this area is the native to lakhs of migrant labours who are working in different parts of country, especially, NCR and the States of Haryana, Punjab, J&K. Gujarat, Maharashtra, Rajasthan, Karnataka, Tamil Nadu, Kerala, West Bengal, Assam, Arunachal Pradesh etc., the train facilities to this junction is must. Apart from the above, people of this area depends on bigger cities of country for any specialized medical facilities and education too. This section/area does not have any direct train for Delhi or any other metropolitan cities.

The Bill, therefore seeks to amend the Railways Act, 1989 with a view to implement the proposal of North-Eastern Railway once received for approval without any further delay to augment the train services to cater the need of the neglected Thawe Junction which is a long awaited demand of lakhs of people of the various districts of the State of Uttar Pradesh and Bihar.

Hence this Bill.

NEW DELHI;
July 1, 2022.

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill vide proposed section 24A seeks to provide diversion or extension of the superfast trains via Thawe junction by giving the approval of the proposal received from the railway division of the North-Eastern Region. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two hundred crore from the Consolidated Fund of india.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

BILL NO. 157 OF 2022

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2022.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIV,—Tamil Nadu, after entry 18, the following entry shall be substituted, namely:— C.O. 22.

"18A. "Lambadi".

STATEMENT OF OBJECTS AND REASONS

Tribal communities of this country have undergone many sufferings due to historical reasons like socio-economic exploitation, deprivation, isolation, inequalities and discrimination which pushed them backward and vulnerable. Citing historical injustice, our forefathers of the Constitution incorporated several provisions which aspired to promote education and economic interest of weaker sections particularly the Scheduled Castes and the Scheduled Tribes.

Article 366(25) of the Constitution defines Scheduled Tribes (ST) as those tribes or tribal communities who are scheduled under article 342. To carry out social justice measures for the tribal communities, the list for the Scheduled Tribe was notified by the President vide the Constitution (Scheduled Tribes) Order, 1950. Many communities are demanding inclusion in the Scheduled Tribe list which mainly falls in three categories such as (*i*) new entry, (*ii*) sub-tribes/sections, synonyms and (*iii*) phonetic variations.

The demand of "Lambadi Community" of Tamil Nadu, to be included in Scheduled Tribe List, is long pending. Lambadis in Tamil Nadu are notified as Backward Class but they are in Scheduled list in neighbouring States namely Karnataka and Andhra Pradesh. In Tamil Nadu their total population is about 2 lakhs. In Dharmapuri alone, about 50,000 Lambadis are living in Harur (Sittlingi Thanda, Sittlingi panchayat), Pennagaram and Dharmapuri taluks and in Mettur Taluk (Lakkampatti). The State Government of Tamil Nadu has recommended for inclusion of Lambadis in the Scheduled Tribe (ST) list and had forwarded the same to Union Government in 2009. In 1994, a high level committee constituted by the National Commission for the Scheduled Castes and the Scheduled Tribes had recommended the same.

In order to render the social justice and affirmative action without further loss of time, the amendment in the Constitution (Scheduled Tribes) Order, 1950 is much needed.

The Bill, therefore, seeks to amend the Constitution (Scheduled Tribes) Order, 1950 with a view to include "Lambadi community" in the list of Scheduled Tribes in respect of the State of Tamil Nadu.

NEWE DELHI; DNV SENTHIL KUMAR S.
July 1, 2022.

FINANCIAL MEMORANDUM

The Bill seeks to include Lambadi to the list of Scheduled Tribes with respect to the State of Tamil Nadu by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the scheduled tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees thirty-five crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees seventy crore is also likely to be involved.

BILL NO. 199 OF 2022

A Bill to provide for regularisation of the services of nursing and conferring the status of not less than those of Group 'C' employee of the Central Government on such nursing services.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Nursing Services (Regularisation of Service and Welfare) Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Office Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "National Health Mission" means National Rural Health Mission and National Urban Health Mission started by the Central Government to implement the health system at all levels;

(*b*) "nursing services" means any person working as a nursing staff including Accredited Social Health Activist (ASHA), Auxiliary Nursing Midwifery (ANM), General Nursing Midwifery (GNM) and others on regular or contract or daily wages basis under the National Health Mission; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Regularisation of services of Nursing Services.

3. (*1*) The Central Government shall, by notification in the Official Gazette, take all such steps as may be necessary to regularize the services of nursing and confer the status of not less than those of Group 'C' employees of the Central Government on all such nursing services.

(*2*) The Central Government shall also provide such wages and welfare facilities as are available to, or not less than, Group 'C' employees of the Central Government.

Savings.

4. The provision of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Power to make rules.

5. (*1*) The Central Government shall, by notification in the Official Gazette, make rules for carrying out all purposes of this Act ensuring the service status and welfare of the nursing services.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

National Health Mission was started by the Central Government to implement the decentralized model of health system at all levels in the country. It includes ambitious projects to provide equitable, affordable and quality health care for rural areas under the 'National Rural Health Mission' and for urban areas under the 'National Urban Health Mission'. The contribution of nursing services are remarkable and has become an integral and essential part of life for better health ecosystem in rural and urban areas. The nursing services under national health mission are first promoters and on ground implement warriors of schemes of the Central and State Governments. The duties and service rendered by the nurses are very important for the protection of the health and welfare of women, children, poor, disabled, old age people and vulnerable sections. The nursing services do not have job security and the honorarium given to them are not sufficient to meet their immediate basic requirements. This may adversely affect the working and motto of the National Health Mission.

The nursing services such as ASHA, ANMs, GNMs and others are the main links between Government and general public. They are helping the Government for the effective implementation of health scheme and due to their dedicated services popularly known as 'Corona warriors' during the pandemic of COVID-19. Considering the importance of their duties and service it is highly necessary to protect their service and welfare.

Hence this Bill.

NEW DELHI;
July 6, 2022.

RITESH PANDEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularization of the services of nursing and confer the status not less than those of Group 'C' employees of the Central Government on all such nursing services. It also provides for such wages and welfare measures as are available to or not less than Group 'C' employees of the Central Government to nursing services. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees three thousand crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three thousand crore is also likely to be involved.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislation powers is of a normal character.

BILL NO. 208 OF 2022

A Bill to ensure proper rehabilitation and relief to victims of acid attacks and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PERLIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Acid Attacks, Rehabilitation, Support and Healthcare Act, 2022.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "acid attack" means the act of throwing acid, or causing to or using it in any form on a person with the intent to cause grievous harm or with the knowledge that such use may lead to permanent or partial disability or deformity or disfiguration of any part of the body;

(*b*) "acid" means any substance with particular chemical properties and having PH of less than 7 of corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement, or both or temporary or permanent disability;

(*c*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*d*) "Authority" means the Central Victims of Acid Attack Rehabilitation Authority constituted under sub-section (*1*) of section 3;

(*e*) "compensation" means compensation as provided for by this Act;

(*f*) "family" includes a person, spouse and dependent children and minor siblings:

Provided that surviving spouses, divorcees and persons deserted by families shall be considered spate families.

Explanation.—An adult person with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act;

(*g*) "Fund" means the Acid Attack Rehabilitation and Support Fund established under section 14;

(*h*) "guardian" means a person who is responsible for the care of a minor or a disabled person;

(*i*) "medical treatment" means medical, surgical or rehabilitative treatment (including any corrective surgeries, psychological counselling or diet or other regimens);

(*j*) "notification" means a notification published in the official gazette by the appropriate Government;

(*k*) "person" includes any company or association or body of persons, whether incorporated or not;

(*l*) "prescribed" means prescribed by rules made under this act;

(*m*) "rehabilitation" includes medical and psychological care as well as legal and social services with the intent to enable victims to attain as well as maintain optimalphysical, sensory, intellectual, psychological environmental and social function levels;

(*n*) "State Authority" means the State Victims of Acid Attack Rehabilitation Authority established under sub-section (*1*) of section 9;

(*o*) "victim" means a person who has suffered any loss or injury caused by acid attack and includes the guardian or legal heir; and

(*p*) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 or Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts provided that they shall be applied in a gender-neutral manner.

CHAPTER II

CENTRAL VICTIMS OF ACID ATTACK REHABILITATION AUTHORITY

Central Victims of Acid Attack Rehabilitation Authority.

3. (*1*) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority to be known as the Central Victims of Acid Attack Rehabilitation Authority.

(*2*) The Authority shall consist of,—

(*a*) the Union Minister of State, Ministry of Social Justice and Empowerment as the *ex-officio* Chairperson;

(*b*) the Union Minister of State, Ministry of Home Affairs as the *ex-officio* Co-Chairperson;

(*c*) the Union Minister of State, Ministry of Women and Child Development as the *ex-officio* Vice-Chairperson;

(*d*) the Union Minister of State, Ministry of Law and Justice as the *ex-officio* Vice-Chairperson;

(*e*) the Chairperson of National Commission for Women, as the *ex-officio* member;

(*f*) the Chairperson of National Human Rights Commission, as the *ex-officio* member;

(*g*) the Director, National Legal Services Authority as the *ex-officio* member;

(*h*) two retired High Court judges to be appointed by the Central Government as members;

(i) four members to be appointed by the Central Government from amongst persons having knowledge of, or practical experience in, matters relating to providing assistance to victims of acid attack:

Provided that at least two of the members shall be women or non-binary persons; and

(j) such other representatives of the Ministries or Departments of the Government of India or experts representing different States or Union Territories, as may be prescribed as members.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.

(4) The salary and allowances payable to and other terms and conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

4. (*1*) The Authority shall take all such steps as it may think fit, to ensure planned and coordinated rehabilitation of victims of acid attack and for the purposes of performing its functions under this Act.

(*2*) Without prejudice to anything contained in sub-section (*1*), the Authority shall:—

(*a*) facilitate and ensure full and proper implementation of all provisions of this Act, including those pertaining to rehabilitation and relief services, including but not limited to compensation, reintegration to the victims, safety, care, protection and dignity of victims including prevention of re-traumatisation of victims, or recurrence of any acid attack against victims, in coordination with the concerned Ministries, Departments, prescribed authorities, statutory bodies;

(*b*) ensure effective coordination between the concerned authorities involved in the process of rehabilitation and support;

(*c*) coordinate with the appropriate Governments and other concerned authorities to maintain an updated national database of the victims under this Act for the sole purpose of providing relief and support;

(*d*) oversee the disbursement of funds allocated for the assistance of the victims;

(*e*) make recommendations to the appropriate Government regarding regulation and control of import, production, transportation, hoarding, sale, distribution of acid;

(*f*) make recommendations to the appropriate Government for efficacious implementation of various programmes for victim rehabilitation and also for preventing acid attacks;

(*g*) make rules for disbursement of funds;

(h) enhance public awareness about the provisions of this Act and its rules and regulations and also create a national toll-free helpline to aid the victims and or their family;

(*i*) perform such other functions as may be prescribed as considered necessary by the Authority for effective discharge of the provisions of this Act; and

(*j*) perform such other functions as may be entrusted to it by the Central Government.

Terms of office and conditions of service.

5. (*1*) The Chairperson, Co-chairperson and Vice-Chairperson of the Authority shall hold office till the time they discharge the functions of their incumbent office;

(*2*) The conditions of service of the Chairperson, the Co-Chairperson, the Vice-Chairperson, and the members of the Authority shall be such as may be prescribed;

(*3*) The term of office of the members appointed by the Central Government shall be four years, or till they complete the age of sixty years or till fresh appointments are made, whichever is earlier, and other conditions of service of such members shall be such as may be prescribed;

(*4*) The Chairperson shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and duties of the Authority as may be delegated to them by the Authority and such other powers and duties as may be prescribed;

(*5*) The Vice-Chairpersons shall perform such functions as may be assigned to them by the Chairperson from time to time.

Disqualification for office of members.

6. A person shall be disqualified for being appointed as a member if he or she:—

(*a*) has been convicted and sentenced to imprisonment for an offence, which, in the opinion of the Central Government, involves moral turpitude; or

(*b*) is an undischarged insolvent; or

(*c*) is of unsound mind and stands so declared by a competent court; or

(*d*) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(*e*) has in the opinion of the Central Government such financial or other interest in the Authority as is likely to prejudicially affect the discharge by them of their functions as a member.

Vacation of office of member.

7. The Central Government shall remove a member if he:—

(*a*) becomes subject to any of the disqualifications mentioned in section 6;

(*b*) refuses to act or become incapable of acting; or

(*c*) in the opinion of the Central Government, has so abused their position so as to render his or her continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he or she has been given a reasonable opportunity of being heard in the matter.

Procedure of business.

8. (*1*) The Authority shall regulate its own business.

(*2*) The Authority shall meet at such time and place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum at such meetings, as may be provided by regulations:

Provided that the Authority shall meet at least once in three months.

(*3*) The Chairperson, and in the absence of the Chairperson, the Co-Chairperson shall preside at the meetings of the Authority.

(*4*) If for any reason the Chairperson and the Co-Chairperson both are unable to attend any meeting of the Authority, any one of the Vice-Chairperson present at the meeting shall preside at that meeting.

CHAPTER III

STATE VICTIMS OF ACID-ATTACK REHABILITATION AUTHORITY

State Victims of Acid Attack Rehabilitation Authority.

9. (*1*) Every State Government shall establish a State Authority to be known as the State Victims of Acid Attack Rehabilitation Authority for ensuring overall effective implementation of the provisions of this Act within the State.

(*2*) The State Authority shall consist of,—

(*a*) the Chief Secretary—*ex-officio* Chairperson;

(*b*) the Secretary, Social Justice Department—*ex-officio* member;

(*c*) the Principal Secretary, Home Department—*ex-officio* member;

(*d*) the Secretary, Department of Women and Child—*ex-officio* member;

(*e*) the Secretary, Labour Department—*ex-officio* member;

(*f*) the Secretary, Health Department—*ex-officio* member;

(*g*) the Secretary, State Legal Services Authority—*ex-officio* member;

(*h*) the Secretary, Law Department—*ex-officio* member;

(*i*) an officer of the State Police Department, not below the rank of Inspector General of Police to be appointed by the appropriate Government—member;

(*j*) two social workers or representatives of civil society organisations or non-governmental organisations working in the area of providing aid to the victims of acid-attacks and related matters to be appointed by the appropriate Government, out of which at least one shall be a woman or non-binary person—members; and

(*k*) such other persons to be appointed by the appropriate Government as may be prescribed—members.

(*3*) The terms of office and condition of service of the Chairperson and other members of the State Authority will be the same as that of the Authority as may be prescribed under section 3.

10. The State Authority shall:—

(*a*) act as the nodal agency at State level for the compensation of victims of acid attack and to create a single window for compensation of victims under all the applicable schemes already in place;

(*b*) facilitate and ensure full and proper implementation of all provisions of this Act, including those pertaining to rehabilitation and relief services including compensation, reintegration to the victims, safety, care, protection, and dignity of victims including prevention of re-traumatisation of victims, or recurrence of any acid attack against victims, in coordination with the concerned ministries, departments, prescribed authorities, statutory bodies;

(*c*) ensure effective coordination between the concerned authorities involved in the process of rehabilitation and support;

(*d*) inquire into and constitute fact-finding teams to inquire into incidents of acid violence;

(*e*) monitor the allocation and utilization of the funds allocated by the Authority;

(*f*) coordinate with District Legal Service Authority and State Legal Service Authority to provide appropriate legal aid to the victims;

(*g*) recommend the appropriate Government to notify medical facilities and other services including psychological help and other needs of the victims;

(*h*) make recommendations to the respective State Government regarding strategies to regulate and control the import, production, transportation, hoarding, sale, distribution of acid;

(*i*) make recommendations to the State Governments for efficacious implementation of various programmes for victim rehabilitation and also for preventing acid-attacks;

(*j*) arrange for appropriate training and sensitisation of functionaries and governmental and non-governmental personnel;

(*k*) develop effective networking and linkages with governmental and non-governmental organisations for specialised services and technical assistance like vocational training, education, healthcare, nutrition, mental health intervention, and legal aid services;

(*l*) enhance public awareness about the provisions of this Act and its rules; and

(*m*) perform such other functions as may be prescribed as considered necessary by the Authority.

CHAPTER IV

REHABILTATION AND SUPPORT OF VICTIMS

Providing monetary assistance.

11. *(1)* Upon registration of a First Information Report of an offence of acid attack, the Investigating Officer shall forward a copy of the same to the State Authority and the District Legal Services Authority, which shall provide immediate relief to the victim and dependent, if any, including aid and assistance for medical and rehabilitation needs, as may be required after due assessment, in such manner as may be prescribed, within seven days of the receipt of the same, as the case may be.

(*2*) The State Authority shall award interim relief to a victim or any dependent within a period of thirty days of an application submitted by or on behalf of them in this regard, after due assessment, in such manner as may be prescribed.

(*3*) The State Authority shall ensure that all measures have been taken for relief and rehabilitation of the victim and dependent, if any, including for his safety and relocation, at the earliest after registration of the first information report under this Act, and within thirty days of an application having been made in this regard by or on behalf of the victim:

Provided that, in case appropriate relief is not awarded, or has not been awarded within thirty days from the application, the victim shall approach the Central Victims of Acid Attack Rehabilitation Authority as per the provisions of section 15.

(*4*) The relief and compensation, including those provided under sub-section (*1*), shall be in addition to any other compensation including any amount or benefit payable by way of any damages or under any scheme of the appropriate Government or pursuant to any order of the court under any law for the time being in force.

(*5*) The Authority shall frame rules for the effective implementation of the provisions of sub-section (*1*) and (*2*) and disbursement of monetary assistance within one month from the commencement of this Act.

(*6*) The designated court may order, where applicable, any back wages due to the victim to be paid to them, in addition to any relief extended to the victim under this section.

(*7*) In case of the death of the victim caused by or as a consequence of the acid attack the children or any other dependent of the victim may apply to the State Authority for relief in accordance with the rules notified under this Act.

Medical and legal assistance.

12. (*1*) The appropriate Government shall provide—

(a) free medical treatment including life-long care to the victim at all the private, government and municipal corporation hospitals, as may be notified; and

(b) free psychological help to the victim and their family for such period as the concerned psychologist deems fit.

(*2*) The Authority shall provide funds for any elective surgery opted for, by a victim, to alleviate the harm caused by or as a consequence of the acid attack which may include skin grafting or plastic surgery as per the rules prescribed:

Provided that no fund shall be provided for elective surgery unless in the opinion of the operating surgeon and one other surgeon, the procedure does not cause substantial risk to the victim.

(*3*) The treating doctor shall inform the nearest police station in case of an acid attack and it shall be the duty of the police officer in charge of the station to inform the District Legal Services Authority as well as the State Authority in such manner as may be prescribed.

(*4*) On receipt of such information, the District Legal Services Authority, shall 5 along with a representative send a mental trauma team to provide psychological and mental relief to the victim and their family.

(*5*) The State Authority along with either District Legal Services Authority or State Legal Services Authority shall ensure that the victim is provided free counseling at a medical facility or a doctor of their choice and under circumstances where the victim is unable to choose, a psychologist may be appointed as may deem necessary.

(*6*) The State Authority shall mandate the creation of skin banks at the medical facilities to be notified under the Act and ensure that there is at least one skin bank in every district.

(*7*) The State Authority shall, through either District Legal Services Authority or State Legal Services Authority provide free legal aid and support through all the stages of the trial and also in case if the victim wants to initiate civil action for claiming damages against material and non-material sufferings caused by any offence under this Act.

Setting up of skill development institutes.

13. *(a)* The appropriate Government shall, by notification in the official gazette, set up skill development institutes to provide skill training opportunities for those acid attack victims seeking educational resources in order to re-integrate themselves into society.

(b) The appropriate Governments shall contribute to the funding of the unit set up under sub-section (*1*) in such manner as may be prescribed.

(*c*) The appropriate Government shall encourage private firms to set up enterprise-based training institutes as a part of corporate social responsibility for imparting high-quality job-oriented training to youth and ensure sufficient opportunities for employment to acid attack victims on completion of training.

Acid attack Rehabilitation and Support Fund.

14. *(1)* The Central Government shall, within one month of the commencement of this Act, establish and maintain a Fund to be called the Acid Attack Rehabilitation and Support Fund, for the relief and rehabilitation of acid attack victims.

(2) The Central Government, after receiving due reports from the Authority, shall provide adequate funds, after due appropriation made by Parliament by law in this behalf, for the purpose of carrying out the provisions of this Act.

(3) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may be decided by the Authority.

(4) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Authority.

CHAPTER V

MISCELLANEOUS

Appellate Authority.

15. (*1*) In case the State Authority rejects or fails to provide compensation or relief, either immediate or interim, or any further compensation within the prescribed period then such victim may apply to the Control Authority, for compensation or relief in such manner as may be prescribed.

(*2*) In case of applications received under sub-section (*1*), the Central Authority shall ensure disbursal of funds in a time-bound manner, not later than fifteen days after receiving the application.

Delegation of Powers and functions.

16. The Authority may, by general or special order in writing, delegate to the Chairperson or any other member or any officer of the State Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act, as it may deem necessary.

Protection of action taken in good faith.

17. No prosecution or other legal proceeding shall lie against the Central Government, the Authority or any State Authority, or any member of the authority or any officer or employee of the Central Government or the Authority or any other person authorised by that Government or the Authority, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Direction by the Central Government.

18. (*1*) The Authority shall, in the discharge of its functions and duties under this Act be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(*2*) The decision of the Central Government as to whether a question is one of policy or not shall be final.

Power to remove difficulties.

19. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the official gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

Provision not in derogation of any other law.

20. The provisions of this Act, shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have an overriding effect on the provisions of any such law to the extent of the inconsistency.

Power to make rules and regulations.

21. (*1*) The Central Government may, by notification in the Gazette of India, make rules and regulations for carrying out the purpose of this Act.

(*2*) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule and regulation or both the Houses agree that the rule and regulation should not be made, the rule and regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule and regulation.

STATEMENT OF OBJECTS AND REASONS

The report of National Crime Records Bureau published in 2020 indicates that there has been no decline in the number of acid attack victims even after amending the criminal laws to curtail such abhorring attacks. There is an impending need to support these victims as they have suffered enough and alleviation of the suffering of victims of such horrendous crimes is the duty of the state. International Human Rights law requires Governments to act affirmatively and with due diligence to protect human rights and adequately respond to human rights violations. Due diligence imposes upon Governments the obligations to enact legislation designed to combat acid attack violence, ensure effective implementation of laws, and provide redress to victims.

Although the Government has recognized the need for the formulation of a compensation scheme for victims of acid attacks, it has come up with a scheme that is too complicated for a victim who has already suffered enough. Many victims have reported that they have not received the compensation in full or there have been arbitrary cuts. Although, certain States have been efficaciously disbursing relief funds, there is a need to address the issue with a central legislation. This legislation aims to create a single window for compensation for the victims of acid attack so as to alleviate their suffering. The legislation mandates the creation of skin banks and also provides necessary measures to deal with psychological trauma as well. Many acid attack survivors must undergo numerous complicated surgical procedures. These medical procedures are very costly and require specialized expertise and facilities. Thus the Bill provides medical treatment and elective surgeries to be conducted free of cost.

Further, as a result of disfigurement, victims are either temporarily or permanently incapacitated and are forced to give up their lives, their livelihood, and their education. In this regard, compensation to cover vital surgeries for victims who can no longer support themselves becomes imperative. There is also a need to prevent the supply of such corrosive acids in the ordinary consumer market. Hence, the Authority under this Bill shall also aid in the creation of policy to prevent acid attacks and shall also formulate rules for the import or production of acid. There is a need for comprehensive legislation which provides holistic relief to victims of acid attacks and does so in a gender-neutral manner. Under the current laws, there are barriers to access to relief and rehabilitation for male, transgender and non-binary persons.

NEW DELHI;
July 18, 2022.

DILESHWAR KAMAIT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Central Victims of Acid Attack Rehabilitation Authority. Clause 9 provides for constitution of a State Victims of Acid Attack Rehabilitation Authority. Clause 11 provides for monetary assistance.Clause 12 provides for free medical and legal assistance for the victims. Clause 13 provides for setting up of skill development institutes for the victims and clause 14 provides for Acid Attack Rehabilitation and Support Fund to be established for the relief and rehabilitation of acid attack victims. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to give an estimate of recurring or non-recurring expenditure involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules and regulations for carrying out the purposes of the Bill. As the matters in respect of which rules may be made are matters of procedure and details only and it is not practicable to provide for them in the Bill itself the delegation of legislative power is, therefore, of a normal character.

BILL NO. 203 OF 2022

A Bill to provide for the welfare measures for the employees who have been terminated dy the employers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and application.

1. (*1*) This Act may be called the Terminated Employees (Welfare) Act, 2022.

(*2*) Save as otherwise provided in this Act, it shall not apply employee who has been terminated for any of the following reasons:—

(*a*) proven misconduct;

(*b*) cheating;

(*c*) indulging in fraudulent means or misappropriation of money; or

(*d*) having been found guilty by a criminal court of justice.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'employer' means the owner or the director of any establishment or any organization which is not owned by the Central Government or a State Government or which is not the undertaking of or controlled by the Central Government or a State Government or funded by the Central Government or a State Government but includes the owner or director of a private establishment where not less than ten persons are employed;

(*b*) "fund" means the Corpus Fund established under section 4;

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "terminated employee" means any employee who was employed by any employer, whether regular or temporary or casual or on contract and whose services have been terminated by the employer.

Benefits to terminated employees.

3. (*1*) Notwithstanding anything contained in any law for the time being in force, every employee whose employment has been terminated by the employer for the reasons of the winding up of the organization or the establishment due to:—

(*i*) economic slowdown; or

(*ii*) change in technology in the respective field; or

(*iii*) the owner or director managing the affairs of the establishment becoming insolvent; or

(*iv*) the orders of any court; or

(*v*) incurring losses making it unviable to carry on the business; or

(*vi*) the change in Government policy;

shall be entitled to such unemployment compensation, health insurance benefits or any other benefits as may be prescribed if such benefits are not part of the employee-employer agreement, for a period of nine months or till the time he gets employed elsewhere, whichever is earlier.

Explanation I.—The period of nine months shall include the notice period to be served by the employer before termination.

Explanation II.—The unemployment compensation shall be admissible if the employer does not provide any severance package to the terminated employee or the severance package is less than the compensation provided under this Act.

(*2*) The unemployment compensation under sub-section (*1*) shall not be less than sixty per cent. of the gross salary of the terminated employee or as per the terms of the employee-employer agreement, whichever is higher and it shall be borne by the employer.

(*3*) The health insurance benefit shall continue till the period as specified in sub-section (*1*) with the same terms and conditions which prevailed during his employment.

(*4*) A terminated employee shall also be entitled to such terminal benefits which would have been available to him on the cessation of employment including provident fund, gratuity and leave encashment.

(*5*) The benefits notified under sub-section (*1*) shall be paid to the terminated employee from the month following the month on which termination notice is communicated to the employee or on completion of the notice period, if any:

Provided that if due to any reason, the employer is not able to pay the benefits within one month from the date of the termination of the employment, the employer shall pay to the terminated employee an interest at the rate of twelve per cent. per month for such delay.

(*6*) Nothing in this Act shall apply to any terminated employee if benefits admissible under the employee-employer agreement, are higher than the benefits prescribed under this Act.

Corpus fund for welfare of terminated employees.

4. (*1*) Every employer shall create a corpus fund to which at least five per cent. of the net profit of the organization shall be credited, which shall be used for the welfare of terminated employees under this Act.

(*2*) Every employer shall be entitled to solicit contribution from any organization, individual or trust for the purpose of maintaining the fund, in such manner as may be, prescribed.

(*3*) Without prejudice to the generality of the provision contained in sub-section (*1*) the fund shall also be utilized for the following purposes, namely:—

(*a*) payment of expenditure in connection with the education of the children of the terminated employees; and

(*b*) medical facilities, free of cost, in such a manner as may be prescribed.

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In an era, when the space for Public Sector has substantially shrunk and role of Private Sector has expanded, many questions relating to the welfare of employees attached to Private Sector and employer-employee relations have become significant. It has been observed that employees face undiminished threat of losing jobs and live in a climate of uncertainty. Things become worse when they are relieved from jobs without any substantive compensation. Hundreds and thousands of people in their midage with family responsibilities and economic liabilities face unprecedented challenges to survive. It not only affect their lives but also the social and cultural process too. Moreover, laying off due to change in management policies or the Government policies or due to the losses incurred due to inefficient management are all the events where the employee doesn't have much control but is the one who suffers the most.

Neo liberalisation has increased the uncertainties in the lives of people. It also justifies inequality to an extent on the one hand and indoctrinates the employers to become insensitive to their employees. In fact, it has revived the rejected doctrine 'survival of the fittest'. This concern needs to be essentially addressed. Any welfare State cannot give primacy to profit making. Indian Constitution aspires, idealizes and also inspires to make endeavour to achieve equality. This cannot be treated as dead ideal. The State has to strive for it. No economic system can endure or can yield greater good of greater number and protect the interests of working people if it follows the blind path of development and allows the concentration of wealth. The goal of New India is to maximise egalitarianism and to minimise inequality. In this context protection of economic interests and dignity of employees of private sector is both moral and constitutional duty of the Indian State.

At present there is no law to ensure that the employers provide terminal benefits in time and which makes provision for education, medical facilities etc., to the families of employees who have been terminated. The Bill provides for minimum nine months of assured income including medical benefits to the terminated employees which will give them enough time to reassign themselves to new employment without disturbing the existing set up of their family. After employment a person often takes few loans to meet his need, gets their children admitted at a certain level of school. All this cannot come to a halt without any of his fault. The family of the employee should not suffer because of such events. The Bill seeks to achieve the above objective.

Hence this Bill.

NEW DELHI;
July 18, 2022.

DILESHWAR KAMAIT

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Central Government shall provide funds for carrying out the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 280 OF 2022

A Bill to provide for the prevention of violence against healthcare professionals and clinical establishments and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Prevention of Violence Against Healthcare Professionals and Clinical Establishments Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "clinical establishment" means the clinical establishment as defined under clause (*c*) of section 2 of the Clinical Establishments (Registration and Regulation) Act, 2010;

23 of 2010.

(*b*) "healthcare professionals" includes,—

(*i*) a registered medical practitioner, possessing a recognised medical qualification under National Medical Commission Act, 2019; 30 of 2019.

(*ii*) a medical practictioner registered for practicing in any other system of medicine which is recognised under any law for the time being in force;

(*iii*) a mental health professionals under the Mental Healthcare Act, 2017; 10 of 2017.

(*iv*) a registered dentist, registered dental hygienist and registered dental mechanic as defined in the Dentist's Act, 1948; 16 of 1948.

(*v*) a registered nurse, midwife, auxiliary nurse-midwife and health visitor who is registered under Indian Nursing Council Act, 1947; 48 of 1947.

(*vi*) occupational therapist, speech therapists, nutritionists, seeking or imparting medical education, pharmacists and para—medical staff who provide healthcare service in clinical establishments;

(*vii*) a medical or a nursing student who is undergoing education or training in any system of medicine recognised by any law for the time being in force; and

(*viii*) a person who interacts with the families of patients to facilitate treatment in hospitals such as social worker, bereavement counselors, transplant coordinators and Arogya Mitra appointed under PM—JAY Scheme;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "property" means any property movable or immovable, medical equipment or machinery; owned by or in possession of or under the control of any healthcare professionals or clinical establishment; and

(*e*) "violence" means an act which causes or may cause any harm, injury or endanger of the life of or intimidation, obstruction or hindrance to any healthcare professional in discharge of his duties or causes any damage or loss to the property or reputation of a healthcare professional or a clinical establishment.

Prohibition of violence.

3. Any act of violence and targeted violence based on caste, gender, religion, language, place of birth against a healthcare professional or a clinical establishment shall be prohibited and mitigated at all levels.

Cognizance of offence.

4. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed under this Act shall be cognizable and non—bailable and triable by the Court of Judicial Magistrate of the First Class. 5 of 1974.

Penalties.

5. (*1*) Whoever, commits or attempts to commit or abets or incites the commission of any act of violence in infringement of the provisions of section 3, shall be punished with imprisonment which shall not be less than six months but which may extend up—to five years and with fine which shall not be less than rupees five thousand but which may extend upto rupees five lakh.

(*2*) Whoever, while committing an act of violence cause grievous hurt as defined under section 320 of the Indian Penal Code, 1860 to any healthcare professionals, he shall upon conviction be punished with imprisonment for a term which shall not be less than three years, but which may extend to ten years and with fine which shall not be less than two lakh rupees but which may extend to ten lakh. 45 of 1860.

Information of offence.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the aggrieved healthcare professional inform the officer-in-charge of concerned police station of the commission of an offence under this act and if he so desires request the support of the head of the clinical establishment for making complaints in such manner as may be prescribed. 2 of 1974.

2 of 1974.

Investigation of offence.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any case registered under this Act shall be investigated by a police officer not below the rank of Deputy Superintendent of Police.

Compensation.

8. (*1*) For acts of violence punishable under this Act, in addition to the punishment provided for the offences under section 5, the convicted person shall be liable to pay by way of compensation an amount equivalent to twice the amount of fair market value of the damaged property or the loss caused as may be determined by the competent court.

(*2*) The compensation for causing hurt or grievous hurt to healthcare professionals and damage cause to clinical establishments shall be as per degree of harm inflicted as may be decided by competent court.

(*3*) If the convicted person fails to pay the compensation under sub-section (*1*) the said sum shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890 in such manner as may be prescribed.

9. It shall be the responsibility of every healthcare professional or clinical establishment, as the case may be to,—

(*a*) ensure that patients do not wait for long duration for their treatment or consultation;

(*b*) ensure that all information about patients and their medical records are available to the family members and the patient or their family members shall be entitled to obtain second opinion;

(*c*) ensure that there is no information asymmetry to patients;

(*d*) establish appropriate grievance redressal system in clinical establishments;

(*e*) strengthen hospital security including interlocking with nearby police station;

(*f*) ensure transparency on rates of consultation, investigations, rents and other expenses of hospitals;

(*g*) ensure mandatory reporting of the violence against healthcare professionals and the clinical establishment including creating a panel to investigate cases of violence against healthcare professionals;

(*h*) display the constraints under which most healthcare professionals operate and sensitise the public visiting clinical establishments; and

(*i*) change the curriculum of the medical education and include the concurrence of cognitive skills, psychomotor skills and empathic skills.

Establishment of District Committee.

10. *(1)* The Central Government shall, by notification in the Official Gazette, establish a District Committee or for such area as may be specified in such notification to hear appeals and grievances of the victims of medical negligence or mismanagement under this Act and to aid and advice such victims for taking recourse to an appropriate forum for a suitable relief including dealing with issues in insurance claiming by the patients.

(*2*) The District Committee shall convene every month.

(*3*) The District Committee shall provide suitable relief to the parties within two sittings.

(*4*) Notwithstanding anything prescribed in this Act, the deliberations made hereto may be held by a court of law of competent jurisdiction within the territories of the country.

(*5*) The Committee established under sub-section (*1*) shall consist of—

(*a*) the Member of Parliament of the respective constituency who shall be the Chairperson of the District Committee; and

(b) one expert each from the field of medicine, law, consumer movement, health management and human rights to be appointed by the Central Government in such manneras may be prescribed.

(*6*) Any appeals, arguments or rebuttals presented to this effect by either of the parties shall be kept transparent and open for media and public scrutiny without any prejudices.

(*7*) The salary and allowances payable to and other terms and conditions of service of experts mentioned in the sub-section (4), and the procedure to be followed by the committee shall be such as may be prescribed.

Central Government to provide requisite funds.

11. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Power to make rules.

13. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The violence against healthcare service personnel is not only endemic to India but also in western countries where over the years the violence against them has been reduced in western countries due to increase spending in healthcare and deterrent act which tends to prevent the violence against healthcare workers.

According to a study made by the Indian Medical Association, more than 75 per cent. of the doctors have faced some form of violence while on duty. The violence is not just physical they also face verbal abuse almost every day. Many states have enacted laws to prevent violence against healthcare professionals and damage to hospital property.

However, various lacuna exists in the State acts. The need is to focus on both positive deterrence and negative deterrence.

As already mentioned there are acts to prevent the violence but excessive focus on increasing punishment and penalties is simply not working unless the underlying cause of violence is addressed. The need is also to consider the most significant aspect which is the conduct or state of mind that specifically focus on targeted violence. The important dimension which lead to violence against healthcare service workers in the government and private hospitals is long waiting period, patients relatives feel that the doctors are not giving enough attention, trust deficiency etc. The need is to provide a mechanism to act as positive deterrence, to state a few, optimizing the long waiting period, a good grievance addressal and redressal mechanism, displaying the constraints under which healthcare service personnel works, etc. which will sensitize the public visiting hospitals. The change in medical education curriculum is one such measure in this regard where Medical Council of India has proposed new teaching learning approaches which includes structural longitudinal programme on "AETCOM". The grief counseling should be the essential part of medical training. The need is also to establish a committee chaired by the Member of Parliament which will hear the appeals and grievances of the victims of medical negligence or mismanagement and to aid and advice such victims. It is also required that an investigation panel be created by the clinical establishment to investigate the case of violence against the healthcare workers. The mere increase of punishment does not serve the deterrence purposes whereas the same act has to better enforced or which increase the likelihood of being caught and ensuring speedier consequences. The present Bill not only merely focuses on punishment but also address the other parameters which lead to violence. It will ensure that all the healthcare service personnel have the right to work in a safe and secure work place which is free of violence and also secure the rights of patients.

Hence this Bill.

NEW DELHI;
August 8, 2022.

DNV SENTHILKUMAR S.

FINANCIAL MEMORANDUM

Clause 10 of the Bill provides for establishment of district-wise Committee to provide timely assistance to the victims of medical negligence. It also provides for appointment of experts to the Committee. Clause 11 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore of recurring expenditure per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 269 OF 2022

A Bill to provide for the construction and management of a National Memorial to perpetuate the memory of the farmers who died or were wounded on 28 January 1894 at Patharughat in the State of Assam.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Patharughat National Farmers Memorial Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Memorial" means the National Memorial to perpetuate the memory of the farmers who died or were injured on 28 January 1894 at Patharughat in Darrang District of the State of Assam;

(*b*) "Trust" means the Trust for the construction and management of the Memorial; and

(*c*) "Trustee" means the Trustee of the Martyr Farmers National Memorial, Patharughat.

Objects of the Trust.

3. The objects of the Trust shall be—

(*a*) to construct and maintain suitable buildings, structures and parks at the site or in the surrounding area in order to perpetuate the memory of the farmers who died or were injured on the 28th day of January, 1894, at Patharughat in the State of Assam;

(*b*) to acquire land, buildings and other properties for the trust; and

(*c*) to raise and receive funds for the purposes of the Memorial.

Trustees of the Memorial.

4. (*1*) The trustees of the memorial shall be following, namely:—

(*a*) the Prime Minister—Chairperson,

(*b*) the Union Minister-in-charge of Culture;

(*c*) the Leader recognized as leader of opposition in the House of the People or where there is no leader of opposition, then leader of the largest party in opposition in the House;

(*d*) the Governor of the State of Assam;

(*e*) the Chief Minister of the State of Assam; and

(*f*) three eminent persons nominated by the Central Government.

(*2*) The trustees shall be body corporate by the name of "Trustee of the Martyr Farmers National Memorial Patharughat" for the purposes of this Act shall have perpetual succession and a common seal and shall by the said name sue and be sued and shall be entitled to contract for the acquisition and holding of property.

Term of office of nominated trustees.

5. The trustees nominated under clause (*f*) of sub-section (*1*) of section 4 shall continue to be trustees for a period of five years and shall be eligible for re-nomination.

Property vested with the trustees.

6. All funds and property, whether movable or immovable, which may go to it, bequeathed or otherwise be transferred for the purpose of the Memorial or shall be acquired for the said purpose, shall vest with the Trust.

Central Government to provide funds.

7. The Central Government may, after appropriation made by Parliament by law in this behalf, grant to the Trust such sums of money as the Central Government may think fit for the purposes of this Act.

Power of trustees to appoint management committee.

8. (*1*) For the purposes of managing the affairs of the Trust, the Trustees may, by a resolution passed in the meeting, appoint a Management Committee and assign to it such powers, duties and functions subject to such directions and limitations as may be defined in such resolution.

(*2*) The trustees may appoint any persons, whether such persons are trustees or not, as members of the management committee and may, from time to time, vary or rescind any resolution passed by it under this section.

Power to approve audited accounts.

9. The Trust shall meet at least once in a year for approving the audited accounts of the Trust and shall transact such other business as may be deemed necessary.

Validity of the acts of trustees not to be questioned due to vacancy etc.

10. No act of the trustees shall be deemed to be invalid by reason of any vacancy in the body of the trustees or any defect in its constitution.

Accounts and Audit.

11. (*1*) The accounts of the trust shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and the expenses in connection with such audit shall be payable by the trust to the Comptroller and Auditor-General of India.

(*2*) The Comptroller and Auditor-General and any person appointed by him under this act in connection with the audit of the accounts of the Trust shall have generally the usual rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General has in case of audit of the Government accounts and shall have rights in particular for demanding the presentation of books, accounts, related vouchers and other documents and to inspect any of the offices of the trust.

(*3*) The audit report and account report of the trust as certified by the Comptroller and Auditor-General or by any other person appointed by him in this matter shall be forwarded to Central Government every year and the Central Government shall lay the reports as soon as possible on the table of both houses of the Parliament.

Power to make rules.

12. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules shall have power to make rules for—

(*a*) the manner in which the funds of the Memorial shall be kept, deposited or invested;

(*b*) the manner of authentication of orders for the payment of money by the Trustees;

(*c*) the form in which accounts shall be maintained by the trustees and the audit of such accounts and their publication;

(*d*) the layout, construction, improvement, preservation and management of the monument;

(*e*) the conditions on which the public shall have access to the monument or particular parts thereof and the regulation of the conduct of persons entering the monument; and

(*f*) the preservation of any property vested in the Trustee, and the prevention of damage to, or interference with, that property and restriction of persons trespassing on any particular part of the monument.

(*3*) A rule made under this section may provide that a breach of any rule made under clauses (*e*) and (*f*) of sub-section (*2*) shall be punishable with fine which may extend to one hundred rupees.

Power to trustees to make regulations.

13. The Trustees may make such regulations as may be relevant to this Act for all or any of the following purposes:

(*a*) the manner in which meetings of the Trustees shall be called, the quorum for the transaction of business at such meetings and the procedure to be followed at such meetings;

(*b*) the manner in which the decision of the majority of the Trustees, the matter in respect of which the decision shall be obtained by circulation to the required Trustees, the power of the Trustees to make regulations;

(*c*) the term of office of the members of the management committee, their powers and duties and the circumstances in which, and the conditions subject to which, such powers and duties may be exercised; and

(*d*) the appointment of such officers and servants as may be deemed necessary for the purposes of the trust, and the terms and conditions of their service.

Laying of rules and regulations before Parliament.

14. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

The pages of the history of independent India are full of incidents that unfold stories of bravery, sacrifice and patriotism. In India's freedom struggle against the British hegemony, countless people from different parts of India fought for the freedom of their motherland against the British rule and sacrificed their lives. The people of Assam had bravely participated in the freedom movement against the exploitation, discrimination and tyranny of the British. One such incident is the historical revolt of the Patharughat farmers of Darrang district of Assam against the increasing rate of land tax by the British. Patharughat is a small village in Darrang district of Assam, situated approximately 60 kilometers north-east of Guwahati.

25 years before the Jallianwala Bagh massacre, on January 28, 1894, more than 100 farmers were shot dead by the British. This incident took place in Patharughat, Assam. After the occupation of Assam by the British in 1826, the survey of the vast land of this state started. On the basis of such surveys, the British started levying land tax, due to which the discontent spread among the farmers. In 1893, the British Government decided to increase the agricultural land tax to 80 percent. On this day the farmers were protesting against the British. British soldiers were ordered to shoot these farmers, due to which more than 100 farmers had to lose their lives.

This incident gave a new direction to India's freedom movement. The deaths of many innocent farmers further strengthened the freedom struggle against the British. The martyrs of Patharughat are always remembered in the golden pages of history for their bravery and sacrifice for their motherland.

Therefore, there is a need that a museum should be declared as a national memorial to perpetuate the memory of farmers who died or were injured on January 28, 1894, at Patharughat in the State of Assam.

Hence this Bill.

NEW DELHI;
November 21, 2022.

DILIP SAIKIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the construction and maintenance of suitable buildings, structures and gardens around the National Memorial Patharughat by the trust and acquisition of land, buildings and other properties for the purpose of the trust and raising and receiving funds for the purpose of the memorial. Clause 7 provides for grants to be given to the Trust by the Central Government after due appropriation done by parliament by law in this behalf for the purposes of the Act.

Therefore, on enactment of this Bill, both recurring and non-recurring expenditure are likely to be incurred from the Consolidated Fund of India. However, it is difficult to estimate the amount required for this purpose as it will depend on the decisions of the Trust.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 13 provides for power of trustees to make such regulations as may be relevant to this Act. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

BILL NO. 9 OF 2023

A Bill to provide for the constitution of a Board for regulation of private coaching centres and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Private Coaching Centres Regulatory Board Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Private Coaching Centers Regulatory Board constituted under section 3;

(*b*) "private coaching centre" means an institution imparting—

(*i*) pre-admission coaching to students for admission into any medical, engineering or any other professional course; or

(*ii*) pre-examination coaching for securing Government or private job through written or oral examination conducted by any agency of the Government or a private establishment; or

(*iii*) coaching of any subject taught at secondary or senior secondary school examination level; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Constitution of Private Coaching Centres Regulatory Board.

3. (*1*) The Central Government shall constitute a Board to be known as the Private Coaching Centres Regulatory Board for the purpose of regulating the functioning of private coaching centres in such manner as may be prescribed.

(*2*) The Board shall have its office in every State and Union territory.

(*3*) The Central Government shall appoint such number of officers and employees as it considers necessary for the efficient functioning of the Board.

(*4*) The salary and allowances payable to, and other terms and conditions of service of the officers and employees of the Board shall be such as may be prescribed.

Functions of the Board.

4. The Board shall—

(*a*) give recognition to private coaching centres on such conditions, as may be prescribed;

(*b*) specify, from time to time, the fee to be charged by coaching centres from students;

(*c*) formulate a refund policy for the students who leave coaching midway or before completion;

(d) specify modes of payment of fee in lump sum and in installments by the students;

(*e*) specify the number of holidays including weekly holiday on Sundays to be observed by coaching centres per week;

(*f*) lay down the minimum qualifications for teachers to be appointed in coaching centres;

(*g*) determine, in respect of coaching centres, the minimum number of teachers and the student-teacher ratio in the classes;

(*h*) ensure the appointment of counselor, psychiatrist and physiologist in every coaching centre for counseling of students;

(*i*) suggest steps to be taken by every coaching centre for reducing psychological pressure on students;

(*j*) ensure that the yoga classes and sports activities are being provided by the coaching centres;

(*k*) fix the timings of the coaching centres; and

(*l*) specify the level of basic facilities to be provided in every coaching centre.

Power to make rules.

5. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The dependence on coaching for preparation of entrance exams for IIT and Medical is growing very fast all over the country. These coaching institutes claim to improve the future of the students of the country and give guarantee of their selection in IIT and medical entrance exams. While lakhs of students appear in the exams in the country, the seats are only in thousands. Classes in such institutes run seven days a week. Sometimes there are more than 100 students per class in these coaching institutes.Too much pressure is put on the students to score good marks and rank in the examination as a result of which the children become victim of depression. Excessive pressure on children for study in these institutes is proving to be fatal. According to a data, 16 students commit suicide every day in the country coming under pressure of examinations. According to crime record bureau, 10335 students committed suicide in 2019, 12526 in 2020 and 13089 in 2021 which is almost 63.3 percent more in comparison to the figures in 2013. According to the bureau, 40.17 percent of those committing suicide are youths below 30 years out of which 17.2 percent are girls below the age of 30 years. So, there is an urgent need to enact a legislation to regulate the functioning of such private coaching centres in the country.

Hence this Bill.

NEW DELHI;
December 16, 2022

DILIP SAIKIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the constitution of Private Coaching Centre Regulatory Board for regulating the functioning of private coaching centres. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of Legislative Power is of a normal character.

BILL NO. 46 OF 2023

A Bill to provide for compulsory teaching of ill-effects of drug addiction in schools and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Compulsory Teaching of Ill-effects of Drug Addiction in Schools Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Advisory Council" means the Advisory Council for teaching ill-effects of Drug Addiction constituted under section 6;

(*b*) "appropriate Government" means in the case of a State, the Government

of State and in all other cases, the Central Government;

(*c*) "prescribed" means prescribed by rules made under this Act.

(*d*) "School" means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called.

Compulsory teaching of ill-effects of Drug Addiction in schools.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, that ill-effects of drug addiction shall be taught as a compulsory subject in all schools from such class onwards as may be determined by the Central Government on the recommendation of Advisory Council constituted under section 6.

Appropriate Government to issue directions for compulsory teaching of ill-effects of drug addiction in schools.

4. The appropriate Government shall immediately after issuance of the notification under section 3, issue directions for compulsory teaching about the ill-effects of drug addiction in schools within its jurisdiction.

Appointment of Teachers.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching about the ill-effects of drug addiction in schools.

Constitution of Advisory Council.

6. (*1*) The Central Government shall, within three months of the coming into force of this Act, by notification in the Official Gazette, constitute an Advisory Council for teaching ill-effects of drug addiction.

(*2*) The Advisory Council shall consist of such number of persons, having special knowledge or practical experience in the field of dealing with drug addiction or narcotics, as the Central Government may deem fit.

Functions of Advisory Council teaching ill-effects of drug addiction.

7. The Advisory Council shall perform the following functions, namely:—

(*a*) recommend to the Central Government the syllabus for teaching about the ill-effects of drug addiction for each class;

(*b*) recommend to the Central Government the class from which the subject of the ill-effects of drug addiction is to be taught in schools;

(*c*) recommend to the appropriate Government the qualifications of teachers to be appointed in schools for teaching the subject of ill-effects of drug addiction;

(*d*) recommend to the appropriate Government the institutions which may be given recognition for training of teachers teaching ill-effects of drug addiction for the purpose of their appointment in schools; and

(*e*) co-ordinate with the appropriate Government and the school authorities with a view to ensuring effective implementation of the provisions of this Act.

Derecognition of schools for non-compliance of the provisions of the Act.

8. The appropriate Government shall derecognize such schools, which do not comply with the provisions of section 4, after giving such institutions a reasonable opportunity of being heard.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the States for carrying out the purpose of this act.

Overriding effects of the Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The increasing drug addiction among children has become a serious problem in the country. These days even small children are falling in the trap of drugs. Till now it was believed that the children of the poor sections who do not go to school, usually the children who lead a nomadic life in railway stations, bus stops or other places get addicted to drugs but now even the children of elite families are also vulnerable. Sometimes due to craze of fashion and some other time on the instigation of friends, these innocent children get trapped in the vortex of drug substances. According to a survey by the Government of India, about 1.8 crore children and adolescents in the age group of 10 to 17 years, consume a variety of intoxicants including alcohol, opium, cocaine, cannabis (bhang). Financially prosperous children are consuming heroin, opium, cocaine, brown sugar etc. On the other hand, poor children starting from beedi, liquor, cigarette go on to consume charas, ganja, cannabis (bhang), opium, cough syrup etc.

No one in the society respects the person who is a drug-addict. Drug-addict person quarrels with his family members after getting intoxicated, due to which the atmosphere of the house becomes vitiated. Its biggest impact is seen on the education of children.

Therefore, children should be specially taught in schools about the bad consequences of drugs by including these in the curriculum so that they can keep themselves aloof from the bad addiction of drugs.

Hence this Bill.

NEW DELHI;
January 19, 2023

DILIP SAIKIA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of teachers in all schools. Clause 6 provides for constitution of Advisory Council for teaching ill-effects of drug addiction by the Central Government. Clause 9 provides for payment of adequate funds to the State for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. However, it is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 223 OF 2022

A Bill to provide for compulsory teaching and practice of Bhagavad Gita in educational institutions and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Compulsory Teaching and Practice of Bhagavad Gita in Educational Institutions Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(*b*) "educational institution" means any school, by whatever name called, imparting education up to senior secondary level.

Compulsory Teaching and practice of Bhagavad Gita in educational institutions.

3. Every educational institution shall compulsorily teach and practice the Bhagavad Gita as a moral education text book.

Appropriate Government to appoint teachers for teaching and practice of Bhagavad Gita in educational institutions.

4. The appropriate Government shall appoint such number of teachers, as it may deem necessary with such qualifications, as may be specified by the Central Government, for teaching and practice of Bhagavad Gita as a moral education text book in every educational institution.

Derecognition of schools for non-compliance of the provisions of the Act.

5. The appropriated Government shall derecognise a school, which does not comply with the provisions of section 3:

Provided that a school shall be given reasonable opportunity of being heard before any decision on its derecognition is taken.

Central Government to provide fund to the State Governments.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the States for carrying out the purposes of this Act.

Application of Act on minority educational institutions in certain situation.

7. Notwithstanding anything contained in this Act, the provisions of this Act, shall apply to minority institutions only if the management of such institutions convey to the appropriate Governments their willingness to include the teaching and practice of Bhagavad Gita as a moral education text book in their school curriculum.

Overriding effect of the Act.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

Shrimad Bhagavad Gita is a spiritual discourse delivered by Lord Krishna in the middle of the battlefield. It contains 18 chapters, which deal with a variety of subjects such as the nature of the self, the need to restrain the mind and the senses, withdrawing them from the sense objects through the practice of yoga, performing desireless actions, the vision of the Universal Self, the qualities of Nature, incarnation of God and reincarnation of individual souls, devotion to God, liberation and so on.

Shrimad Bhagavad Gita is the greatest book on the moral and value education. It not only holds holy significance to the people of India but also guides the moral and value thinking in the time of depravity and chaos. It contains the teaching ranging from spiritual awakening to leadership and management. Teachings of Gita are teaching of humanity and brotherhood. Many great thinkers from our time such as Swami Vivekananda, Sri Aurobindo, Albert Einstein, Mahatma Gandhi as well as Ramanuja, from bygone ages, have all deliberated upon its timeless teachings.

Mahatma Gandhi has also said "When doubts haunt me, when disappointments stare me in the face, and I see not one ray of hope on the horizon, I turn to Bhagavad Gita. Let the Gita be to you a mine of diamonds, as it has been to me; let it be your constant guide and friend on life's way".

It is highly deplorable that such vast literature containing infinite teachings for all age groups is neglected by our educational institutions. It is high time to make sincere effort to spread the teachings to our children and grownups. Teaching and daily practice of Bhagavad Gita in educational institutions will enable the younger generation to enrich their knowledge and skills and shine the personality in the light of noble traditions and thoughts of Bhagavad Gita, become sensible and responsible citizens.

Hence this Bill.

NEW DELHI;
November 22, 2022.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall appoint teachers for compulsory teaching and daily practice of Bhagavad Gita in every educational institution. Clause 6 provides that the Central Government shall provide adequate funds to the State Governments carrying out the purposes of this Act. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 277 OF 2022

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Criminal Law (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

Insertion of new section 304C.

2. In the Indian Penal Code (hereinafter this Chapter referred to as the Penal Code), after section 304B, the following section shall be inserted, namely—

Causing death by medical negligence.

"304C. Whoever, being a registered medical practitioner, causes the death of any person doing the cause of medical treatment due to any medical negligence shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both:

Provided that causing the death of a person during medical treatment or intervention done with consent in accordance with the proviso to section 88 of this Code shall not be considered as medical negligence, unless the contrary is proved supported by a team of medical experts or a medical Board.

Explanation.—For the purpose of this section, registered medical practitioner means a person who possesses recognised medical qualification and registered under the provisions of the National Medical Commission Act, 2019 (30 of 2019).".

Insertion of new section 327A.

3. After section 327 of the Penal Code the following section shall be inserted, namely—

"327A. Whoever,—

Violence against health care service personnel and damage to property.

(*i*) commits or abets the commission of an act of violence against an healthcare service personnel; or

(*ii*) abets or causes damage or loss to any property of a healthcare service personnel, shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years, and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees:

Provided that while committing an act of violence against a healthcare service personnel if a person causes grievous hurt as defined in section 320 to healthcare service personnel, he shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees.".

CHAPTER III

AMENDMENT TO THE CODE ON CRIMINAL PROCEDURE, 1973

Amendment of First Schedule.

4. In the First Schedule to the Criminal Code, under the heading "I.- OFFENCES UNDER THE INDIAN PENAL CODE",— 2 of 1974.

(*a*) after the entries relating to section 304B, the following entry shall be inserted, namely:—

1.	2.	3.	4.	5.	6.
304C	Causing death by medical negligence	Simple imprisonment of two years or fine or both	Non-cognizable	Bailable	Any Magistrate

(*b*) after the entries relating to section 327, the following entry shall be inserted, namely:—

1.	2.	3.	4.	5.	6.
327A	Violence against Healthcare service professionals	Imprisonment which shall not be less than three months but which may extend upto five years and fine, which shall not be less than fifty thousand but which may extend.	cognizable	Non-bailable	Court of Session

STATEMENT OF OBJECTS AND REASONS

Our Constitution guarantees to all persons the right to life and personal liberty and the equal protection of laws to all classes of citizens. It is deemed necessary and expedient to enact legislation for the protection of these rights guaranteed by the Constitution. In this regard, the Hon'ble Supreme Court in the case of Jacob Mathew vs. State of Punjab AIR2005SC3180; (2005)6SCC1 had afforded necessary guidelines and procedures, to be adopted by the Central and State Government for proceeding against a medical professional to be held responsible under Section 304A of Indian Penal Code, 1973.

The Ethics and Medical Registration Board of the National Medical Commission [Letter No. NMC/MCI/EMRB/C-12015/0023/2021/ETHICS/ 022426 dated-29/09/2021 in compliance with the mandamus issued by the Apex Court (vide supra) has framed specific guidelines needed for prosecution of doctors for causing death of innocent patients due to 'gross' medical negligence. The Hon'ble Supreme Court in the aforesaid judgment (vide supra) had coined a few terms to deal with the cases of death due to medical negligence. Since the provisions available under section 304 AIPC is generic in nature and as such insufficient to deal with the professional medical negligence, which is more complex where the help of medical experts become necessary. The constitution bench of the Hon'ble Supreme Court in the matter of Lalita Kumari vs. State of U.P. & OR's,[2 SCC 1 : (2014) 1 SCC (Cri) 524] vide Judgment dated 12.11.2013 (and partially modified on 05.03.2014) held that while ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry (in medical negligence cases) should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

The Hon'ble Supreme Court in the case of Jacob Mathew vs. State of Punjab opined that to prosecute a medical professional for negligence under criminal law it must be shown that the accused did something or failed to do something which in the given facts and circumstances no medical professional in his ordinary senses and prudence would have done or failed to do. The hazard taken by the accused doctor should be of such a nature that the injury which resulted was most likely imminent. Negligence to be established by prosecution must be culpable or gross and not the negligence merely base upon an error of judgment. And death should have been the direct cause. The Hon'ble Supreme Court in the case of Jacob Mathew vs. State of Punjab observed that the word 'gross' has not been used in section 304A of Indian Penal Code, 1973, yet it is settled that in criminal law negligence or recklessness, to be so held, must be of such a high degree as to be 'gross'. The expression 'rash or negligent act' as occurring in Section 304A of the IPC has to be read as qualified by the word 'grossly'.

To cope with the difficulty of unjust litigations against doctors, the Hon'ble Supreme Court in the case of Jacob Mathew vs. State of Punjab issued some guidelines for proper investigations. But almost sixteen years have passed by and in the absence of a clear cut section in IPC, our police responsible to register an FIR , is still groping in the dark to find out a suitable Section of law to proceed with case of death due to medical negligence cases, resulting thereby, such cases are registered 'usually' under Section 304 IPC, 'occasionally' under Section 304 AIPC or 'sometimes even' under Section 302 IPC. This mix up has made the life of both the complainant and the accused miserable. The accused is harassed by the police and invariably the FIR is quashed by the Hon'ble courts for want of proper investigations and as such justice is eluded for both. This frustrates the general public and now-a-days, the hapless people, in case of any eventuality, resort to violence to press for unjust compensation on the spot.

However, in the EPIDEMIC DISEASES (AMENDMENT) ACT, 2020, some specific Sections to deal with the cases of violence have been added. Since the incidence of violence is not limited to epidemic period only, the same provisions are required to be added in criminal laws to deal with the cases of violence during the time of peace. The Hon'ble Supreme Court in the case of Jacob Mathew vs. State of Punjab quoted that 'Medical Professionals in Criminal Law—The criminal law has invariably placed the medical

professionals on a pedestal different from ordinary mortals. The Indian Penal Code enacted as far back as in the year 1860 sets out a few vocal examples. Section 88 in the Chapter on General Exceptions provides exemption for acts not intended to cause death, done by consent in good faith for person's benefit. Section 92 provides for exemption for acts done in good faith for the benefit of a person without his consent though the acts cause harm to a person and that person has not consented to suffer such harm. There are four exceptions listed in the Section which is not necessary in this context to deal with. Section 93 saves from criminality certain communications made in good faith. The present day scenario demands some new sections in criminal law to deal with the prevailing situation properly.

Hence this Bill.

NEW DELHI;
November, 22, 2022.

ALOK KUMAR SUMAN

BILL NO. 224 OF 2022

A Bill further to amend the Companies Act, 2013.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Companies (Amendment) Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 135.

2. In section 135 of the Companies Act,—

(*a*) in sub-section (*1*), for the words "three or more directors", the words "three or more directors and a Corporate Social Responsibility professional" shall be substituted; and

(*b*) in sub-section (*5*), for the first proviso, the following proviso shall be substituted, namely:—

"Provided that it shall be mandatory for the company to give preference to the local area and areas around it where it operates, for spending the amount earmarked for Corporate Social Responsibility activities."

STATEMENT OF OBJECTS AND REASONS

The last two decades have seen significant economic growth and integration into the global economy, resulting in several changes in the business landscape. The role of businesses within the larger society has come under intense scrutiny by several stakeholders. Governments across the world have been using different forms of regulation to shape corporate behaviour with calls for increased accountability, disclosures and actions from them. India's progress on corporate governance and the Companies Act, 2013 (Act) needs to be viewed within this larger discourse.

The primary objective of Corporate Social Responsibility (CSR) was not to mobilize resources for Government to bridge resource gap in meeting Sustainable Development Goals (SDGs). The primary objective is to promote responsible and sustainable business philosophy at a broad level and encourage companies to come up with innovative ideas and robust management systems to address social and environmental concerns of the local area and other needy areas in the country.

However, even after the mandatory provision in the act various companies failed to perform their prescribed duty. The Government has sanctioned prosecution proceedings against 284 companies and sent 5,382 notices to companies that have not fulfilled the mandatory CSR expenditure norms. Thus in order to robust the mechanism a High Level Committee (HLC) was incorporated by the Government to suggest substantial changes to get rid of any lacuna under the act. In furtherance to that, the Committee has noted that HLC-2015 suggested that CSR provisions also be made applicable to profit making entities not incorporated under Company Law, but operating under other specific statutes on *mutatis mutandis* basis. The Guidelines on Corporate Social Responsibility and Sustainability for Central Public Sector Enterprises (CPSEs) issued by the Department of Public Enterprises (DPE) in October 2014, also prescribed/advised that CPSEs which are statutory corporations also comply with CSR provisions.

An analysis of the CSR data from FY 2014-15 to FY 2017-18, reveals an acute concentration of CSR funds in a few geographical areas to the exclusion of the rest. There is a skew in favour of industrialised States such that the least developed States receive the least funds. This skew may have been caused, *inter alia*, by the clause on local area preference. Not only that, upon a bare perusal of Section 135, at the first blush it may seem that by incorporating the term "shall" before the terms, "preference" and "local areas", the Act intended that it is mandatory to comply with CSR obligations within a geographical/territorial area limitation.

Further, the amendment also seek to the presence of a CSR professional in the CSR committee because it is often seen that the committee are not at par with the practicality and not at the centre-stage while planning and approving the CSR projects due to lack of technical expertise. Thus to get rid of this problem it is imperative to have a presence of professional in the committee.

Hence this Bill.

NEW DELHI;
November 23, 2022.

KRISHNAPAL SINGH YADAV

BILL NO. 293 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new article for article 343.

2. For article 343 of the Constitution, the following article shall be substituted, namely:—

"343. The National language of the Union shall be Hindi in Devanagari Script.

The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.".

STATEMENT OF OBJECTS AND REASONS

Hindi is the language that unites India into one fabric and the promotion of Hindi as the national language shall help the Indian identity develop. Roughly forty-five per cent. of Indians speak Hindi as their first language and fifty seven per cent. people are fluent in Hindi as their second and third language. No other language in India has more speakers and most regional language have less than 10 per cent. of the total population speaking it.

So, it must be our aim to be seen as a land of Hindi the same way China united its population with a single dialect Mandarin. Use of Hindi as our national language would help us move away from the clutches of colonial mind-set and also help establish Hindi as an international language by promoting it in forums like UN and other world bodies.

Currently Indians speak many languages unlike many other countries which speaks only one language. India has many languages and every language has its importance. But it is absolutely necessary that the entire country should have one language that becomes India's identity globally. Further, it has been a dream of our forefathers to make Hindi in Devanagari as National language of India and for that the time period of fifteen year has been given to the Government of India to get rid of the colonizer's mind-set.

However, even after 75 years of Independence of this nation, the language which acted as a channel of unity in the country is not declared as the national language of India. Moreover, recently the committee headed by the Hon'ble Home Minister in the report also suggest that the language used for communication in the administration should be Hindi and efforts should be made to teach the curriculum in Hindi. And all work must be done for the active promotion of Hindi language. Various committees earlier have also recommended promotion of Hindi so that it gives a sense of unity. This bill is in furtherance to the dream of our forefathers had enrich this through their blood. It is thus absolutely necessary to redeem the pledge and to make Hindi as National Language of India.

Hence this Bill.

NEW DELHI;
November 22, 2022.

KRISHNAPAL SINGH YADAV

BILL NO. 248 OF 2022

A Bill further to amend the Code on Social Security Act, 2020.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code on Social Security (Amendment) Act, 2022.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

36 of 2020.

Amendment of Section 2.

2. In section 2 of the Code on Social Security Act, 2020 (hereinafter referred as the principal Act) Code,—

(*i*) in sub-section (20), the following proviso shall be inserted, namely-

"Provided that the contractor shall include the agencies engaged by any establishment in the name of concessionaire or Licensee;";

(*ii*) for sub-section (78), the following sub-section shall be substituted, namely—

"(78) "social security" means the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to healthcare and to provide income security including sickness benefits, unemployment benefits, old age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit, survivors' benefits and all other benefits as provided under the relevant provisions of this Code or under any other law for the time being in force;"; and

(*iii*) in sub-section (86) for the words "self-employed worker", the words, gig workers, platform workers, freelance workers, agricultural workers, self-employed workers shall be substituted.

Amendment of Section 53.

3. In section 53 of the Code,—

(*a*) in sub-section (*1*), for the words "five years", the words "two years" shall be substituted;

(*b*) in the first proviso for the words "three years", the words "two years" shall be substituted; and

(*c*) in the second proviso, for the words "five years", the words "two years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Social Security Code, 2020 (the Code) has been enacted to amend and consolidate the laws relating to social security with the goal to extend social security to all employees and workers either in the organised or unorganised or any other sectors. The Code has vital provisions with respect to social security benefits to workers including gig workers. India's obligation to provide a comprehensive social security cover for the workers may be traced to several provisions enshrined in the Constitution of India which include *inter alia* securing equal pay for equal work for both men and women; directions pertaining to the State's responsibility for making effective provisions for assistance in cases of unemployment, old age, sickness and disablement; for securing just and humane conditions of work.

Further, to make the Code more inclusive and inline to various conventions and treaties, this amendment seeks to amend various provisions of the Code. Not only that, the standing committee also suggested some changes to the Code to make it more inclusive this amendment is necessary. Thus, the definition of 'contractor' does not include terms like 'concessionaire or licensee' which are largely used in Railways, Airports and other Infrastructural Sectors because the definition of 'contractor' is inline with the existing definition in the Contract Labour (Regulation & Abolition) Act, 1970 which had worked well over the years and retained in the code to maintain uniformity and this had been done in consultation with stakeholders. Thus, a proviso has been added to include 'concessionaire or licensee' under the ambit of the code.

In addition to it, the definition of 'Social Security' under the code is restrictive and do not include the nine components contained in the International Labour Organisation (ILO) Convention on Social Security (Minimum Standards) 1952. Keeping in mind the objective of the code, as the whole fulcrum of the code revolves around the definition of 'social security'. It is thus absolutely necessary to make the definition inclusive and encompasses in it all the necessary requirements. Thus, this amendment seeks to make the definition more inclusive and inline to the mandate of ILO.

Moreover, the definition is of 'unorganised worker' also require as it stated earlier in 'the unorganised workers social security act 2008' and the standing committee also recommend to make the definition more comprehensive and to include gig and platform worker in its ambit. Thus, this amendment encompass gig workers, platform workers, freelance workers, agricultural workers in the definition of unorganised worker.

Also, the code prescribe the minimum service of five years for the benefit of gratuity. However, keeping in view the nature of India's Labour market where most employees are employed for a short duration period only, it becomes difficult to avail any gratuity benefits as five years of continuous employment is required as per the extant provisions. This has become an incentive to employers to terminate employees before five years are over. Gratuity amount should therefore be made payable after completion of two years of service only. Thus, this amendment changes the five years mandate to two years.

Hence this Bill.

NEW DELHI;
November 23, 2022.

KRISHNAPAL SINGH YADAV

BILL NO. 105 OF 2021

A Bill to provide for proper management and disposal of millions of tonnes of electronic waste being generated by discarded electronic devices like television, personal computer, floppies, audio-video CD, batteries, cell phones, refrigerators, air conditioners, electronic toys, telephones, washing machines, electric switches, etc. by prescribing norms and fixing responsibilities and duties on manufacturers, recyclers and consumers with regard to disposal of electronic waste and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Electronic Waste (Management and Disposal) Act, 2021.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Application of the Act.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "consumer" means a person using products capable of generating electronic waste;

(*c*) "disposal" means disposal of electronic-waste in terms of the prescribed norm to prevent contamination of soil, ground water, surface water, ambient air quality and harmful effect on human health;

(*d*) "electronic-waste" means waste generated from discarded television, personal computer, floppy, audio-video CD, battery, cell phone, refrigerator, air conditioner, electronic toys, telephone, washing machine, electronic switch and such similar electronic products;

(*e*) "operator" means a person or establishment who owns or operates a facility for collection, transportation and disposal of electronic waste;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "re-cycler" means the person who processes electronic-waste for transforming it into raw material for producing new product which may or may not be similar to original product;

(*h*) "storage" means the temporary containment of electronic waste in a manner so as to prevent its littering and hazardous effects on human being;

(*i*) "transportation" means carrying of electronic waste from one place to other place hygienically through specially designed transport vehicle so as to prevent littering and harmful effect on human being.

Appropriate Government to ensure disposal of electronic waste.

3. (*1*) The appropriate Government shall ensure management and disposal of all the electronic wastes generated within its territorial jurisdiction in accordance with compliance criteria and procedure prescribed under sub-section (*1*) of section 4 in such manner as may be prescribed.

(*2*) The appropriate Government shall provide requisite infrastructure for collection, storage, transporation and disposal of electronic waste.

(*3*) The appropriate Government may after due authorization, authorize any operator to collect, transport and dispose of the electronic waste in such manner as may be prescribed.

Compliance criteria and procedure for disposal of electronic waste.

4. (*1*) The Central Government may, in consultation with the Central Pollution Control Board, prescribe the compliance criteria and procedure for management and disposal of electronic waste.

(*2*) The Central Pollution Control Board shall monitor the implementation of the compliance criteria and procedure for management and disposal of electronic waste prescribed under sub-section (*1*).

Duty of Manufacturer.

5. It shall be the duty of every manufacturer:—

(*i*) to ensure that every product offered for sale being released in the market which is capable of producing electronic waste contains:—

(*a*) the procedure for its handling and disposal; and

(*b*) the information about the parts which may or may not be recycled.

(*ii*) to make available collection centres for collection of the hazardous electronic waste for their proper disposal depending upon the quantum of the product sold in the market; and

(*iii*) to create public awareness through advertisements, publications and other electronic mediums with regard to hazardous substances in their product which may cause ill effect to human body.

Duty of Consumer.

6. It shall be the duty of the consumer to ensure that the electronic-waste is not disposed of in any other manner except in the manner prescribed for the purpose.

Registration and responsibility of re-cycle.

7. (*1*) Every re-cycler of the electronic product shall be registered with the appropriate Government in such manner as may be prescribed.

(*2*) Every re-cycler shall re-cycle only those parts of an electronic product which have been permitted by the manufacturer to be re-cycled.

Penalty.

8. Whoever violates the provisions of this Act shall be liable for imprisonment which may extend to one year and fine which may extend to five lakh rupees.

Offence by a company.

9. Where a person committing a contravention of any of the provisions of this Act is a company, every person who, at the time the contravention committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or he exercised all due diligence to prevent such contravention.

Explanation.—For the purpose of this section:—

(*i*) "company" means anybody corporate and includes a firm or other association of individuals; and

(*ii*) "director", in relation to a firm, means a partner in the firm.

Act to has overriding effect.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject.

Act not in derogation of any other law.

11. The provisions of this Act shall be in addition to and not derogation of any other law for the time in force.

Power to make rules.

12. (*1*) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid before each house of the parliament, as soon as may be after it is made, while it is in session, for a total period of thirty days which may be comprises in one session or more successive session, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any such modification in the rule or both the houses agree that the rule should not be made, the rule shall as the case may be: so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

All kind of electronic goods have become the household articles today. Every home has not one but a number of electronic products. Once these electronic products become obsolete or discarded, they are either thrown in the garbage or given to Kabariwala. The Kabariwala sells these products to scrap dealers who dismantle these gadgets and keep what is useful and rest of it is rendered into garbage which then is thrown in the landfills. This, of course, is not the proper way of its disposal. In this way millions of tonnes of electronic waste is generated in various metropolitan cities in the country. A number of components in these electronic products are hazardous and should be disposed of in an environment friendly manner. Many of these products contain components that contain toxic substances like lead, cadmium, mercury, hexavalent chromium, barium, beryllium and carcinogenic agents like carbon black and heavy metals. These elements can cause serious problems to the health of the person handling it and can also damage the environment if they are not disposed of properly.

In various countries, there are laws for proper disposal of electronic waste products and the procedure for it is also displayed on the product. There it is also indicated on the product what can be recycled and what cannot be recycled. But, in our country disposal of electronic-waste is nobody's responsibility. As of now, there is no law or guideline for the disposal of electronic waste and no account is being taken how much is being generated and how it is being disposed of. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

Hence this Bill.

NEW DELHI;
March 8, 2021

JUGAL KISHORE SHARMA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide for infrastructure for collection, storage, transportation and disposal of the electronic waste. The expenditure involved is establishing infrastructure for handling and disposal of e-waste in respect of Union territories shall be borne by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore would be involved from the Consolidated Fund of India per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

BILL NO. 73 OF 2021

A Bill to provide for welfare of children and for matters connected therewith.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Child Welfare Act, 2021. Short title and extent.

(*2*) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, 'child' means a person who has not completed the age of fifteen years. Definitions.

3. Notwithstanding anything contained in any other law for the time being in force, no child shall be employed by any person for any work in any manner. Prohibition of child employment.

Establishment of juvenile homes.

4. (*1*) The Central Government shall establish adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country.

(*2*) Any child who is abandoned, orphan, destitute, neglected or engaged in any job, occupation or begging shall be admitted to the juvenile homes setup under sub-section (*1*).

Facilities to be provided to the children in juvenile homes.

5. (*1*) Every child who is admitted into the juvenile home shall be entitled to the following facilities free of cost,—

(*a*) accommodation, food and clothing;

(*b*) education including higher and technical education; and

(*c*) medical assistance.

(*2*) Every child shall also be entitled to such other facilities as arc necessary for his all-round development.

Provision for reservation in posts and services under Central Government.

6. The Central Government shall make provisions of reservation in posts and services under its control for children admitted to juvenile homes on attaining the age of eighteen years.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of children are forced by their parents to do menial labour, in order to sustain their livelihood . Due to lack of proper diet and healthcare, these children become victims of a number of diseases. Some of them even succumb to premature death. Many of these children are highly talented. But due to lack of proper education and other opportunities, their talent goes waste.

Children are the future of a country. It is, therefore, the responsibility of the Government to provide opportunities of all-round development to every child and also to provide protection against exploitation. Thus, it is proposed to bring in a legislation for the welfare and protection of children against exploitation .

Hence this Bill.

NEW DELHI;
March 8, 2021.

JUGAL KISHORE SHARMA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country by the Central Government. Clause 5 provides for free of cost food, accommodation, clothing, education and medical facilities to the children in juvenile homes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifty crore is likely to be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

———

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the pruposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 264 OF 2022

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 2022. Short title and commencement.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In PART-II of the Representation of the People Act, 1951, after CHAPTER-IV, the following Chapter and section thereunder shall be inserted, namely:— Insertion of new Chapter IVA.

CHAPTER IV A

MAXIMUM TERM OF MEMBERSHIP OF PARLIAMENT AND STATE LEGISLATURE

"11C. No person shall be elected as a member to either House of Parliament or of the Legislative Assembly or Legislative Council of a State for more than three terms for the each membership.". Maximum Term of Membership of Parliament and State Legislature.

STATEMENT OF OBJECTS AND REASONS

Since independence, we as a country embraced a democratic system of governance. The democratic framework has given the citizens to form any political party, join any political party and exercise his or her democratic right. However, it has been seen that with the passage of time the democratic framework has rusted in many places with no development in political ideology, lack of fresh and innovative ideas and at places the archaic systems are still being followed. The political leaders continue for long and thus not introduce any kind of variation in the systems.

To bring change in the system and to infuse new methods and ideas we need to think differently. To bring freshness in the political biosphere there is a need to stipulate the tenure of political leaders in their capacity as elected representative and develop scope of rotation. The term of each person be at State Legislature (both houses where applicable) and at Parliament (both houses) should be restricted to a maximum of three terms separately.

Hence this Bill.

NEW DELHI;
November 23, 2022

ABDUL KHALEQUE

BILL NO. 226 OF 2022

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2022. Short title and commencement.

(*2*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Constitution (Scheduled Castes) Order, 1950, paragraph 3 shall be omitted. Omission of paragraph 3.

STATEMENT OF OBJECTS AND REASONS

The founding fathers of our Constitution made several provisions in the Constitution which ensured rights and equality to the citizens of this diverse country. Unity in diversity is one of the brightest aspects of our country.

Para 3 of the Constitution (Scheduled Caste) Order, 1950 states that no person who professes a religion different from Hinduism shall be deemed to be a member of the Scheduled Caste. Thereby, the Order ceased to recognise a person as the Scheduled Caste if he or she belonged to any religious minority groups. The order was amended later to grant Scheduled Caste status to those people of Scheduled Caste origin who embraced Buddhism and Sikhism. However, Dalit Christians and Dalit Muslims have been kept out of the amended order thus denying them equality and fair justice.

Meanwhile, several State Governments have recommended that Dalit Muslims and Dalit Christians should be brought under the preview of the amended rule and provide a level playing ground to all. Further amendment of the original Order is necessary to establish an equilibrium amongst the religious minority communities and provide justice. Non-inclusion of Scheduled Caste Muslims and Christians is religious discrimination which is against the spirit of our Constitution.

Hence this Bill.

NEW DELHI;
November 23 , 2022.

ABDUL KHALEQUE

BILL NO. 85 OF 2023

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called as the Criminal Law (Amendment) Act, 2023. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

45 of 1860.

2. In section 99 of the Indian Penal Code, 1860, hereinafter referred to as the Penal Code, after para 3, the following para shall be inserted, namely:— Amendment of section 99.

"There is no right of private defence for a police officer or other person authorized in this behalf making an arrest of a person in an unprovoked situation which does not reasonably cause the apprehension of death or injury.".

3. After section 308 of the Penal Code, the following section shall be substituted, namely:— Insertion of new section 308A.

"308A. If a police officer or such other person while making an arrest of a person causes death of the person to be arrested without any reason sufficient to cause death, such police officer or other person shall be guilty of offence of extra-judicial killing and tried accordingly and shall be punished with death or imprisonment for life.". Extra-Judicial killing.

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974.

4. In section 46 of the Criminal Procedure Code, 1973,— Amdnement of section 46.

(*a*) in sub-section (*2*), for the words "use all means necessary to effect the arrest", the words "use all means except causing death of the person to effect the arrest" shall be substituted;

(*b*) after sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that if the police officer or other person causes death of the person to be arrested, such police officer or other person shall be tried accordingly."; and

(*c*) sub-section (*3*) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The menace of extra-judicial killings has taken a brutal turn over the last few decades. The extra-judicial killings, what is also known commonly as fake encounters has become a mean for the security forces to eliminate alleged criminals even before judgement is delivered by the judiciary. Police encounters are the violation of the human rights of the person who is actually until not proven guilty cannot be called as offender or criminal. India is not a rogue State. Nor it is ruled by any kind of dictatorship. These kinds of killings existed centuries back primarily during the times of Kings and Emperors. However, such a system cannot prevail in a democracy like ours where rule of law exists.

These extra-judicial killings have become means of settling, at times personal rivalry and more so in today's date it has become a tool to silence political opponents. We are experiencing the situation across many States in India. Under the garb of section 46 of the Criminal Procedure Code, 1973 and section 96 of Indian Penal Code, 1860 security forces indulge in such acts of fake encounters. Many a times, even unarmed person, women and child became victims of extra-judicial killings and the persons responsible for such killings walked away. So, it is time that the law be tweaked so that Human Rights of people are not violated.

All encounter killings must be investigated with the utmost diligence as such killings affect the credibility of the rule of law. Rule of law must be ensured at all costs in every case across the country. It is the duty of the State Government to adhere to the rule of law and work in accordance with the rule of law. There is a need to train the police officials in such a way that they are able to handle every unforeseen situation and protect the accused in police custody. As encounter killings are increasing day by day, resulting in human rights violations. Thus, there is a need to instill the importance of human rights in the minds of the police officers executing these unlawful killings.

Hence this Bill.

NEW DELHI;
March 14, 2023.

ABDUL KHALEQUE

BILL NO. 266 OF 2022

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 85.

2. In article 85 of the Constitution,—

(*a*) in clause 1, the following proviso shall be added at the end, namely:—

"Provided that the Parliament shall meet for not less than one hundred and forty working days in a calendar year.".

(*b*) after clause 2, the following explanation shall be inserted, namely:—

"*Explanation*.—For the purpose of this article, "working days" shall include any day on which there is a joint sitting of the Houses and not include any period, exceeding two days for which the Parliament is adjourned.".

STATEMENT OF OBJECTS AND REASONS

In the last five years, the average number of working days for the Indian Parliament has fallen consistently. As a result, the time spent on discussing Bills has also reduced. In the United Kingdom, Parliament sits for an average of one hundred and fifty days each year. In the United States, Congress sits for upwards of one hundred days each year. The German Bundestag sits for an average of one hundred and five days each year, and has a pre-set calendar.

In the year 2018, as many as twenty-five per cent Bills in the Lok Sabha were passed in less than thirty minutes and the entire Union Budget of 2018 was passed in less than thirty minutes.

As the Government keeps restricting the Parliament's calendar, the opposition's space to be effective is constrained leading to ever increasing disruptions in Parliament.

India needs to set high standards for Parliamentary democracy amongst international peers as well as its own leaders.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 23, 2022

SHYAM SINGH YADAV

BILL NO. 31 OF 2023

A Bill to establish a Central Human Trafficking Prevention and Control Commission for prevention and control of human trafficking in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Human Trafficking (Prevention and Control) Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "Commission" means the Central Human Trafficking Prevention and Control Commission established under section 4;

(*c*) "human trafficking" means an act of recruiting or transferring any person for unlawful purpose including sexual exploitations or engaging him as forced labour within the country or in a foreign country; and

(*d*) "prescribed" means prescribed by the rules made under this Act.

(*2*) The words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, or the Immoral Traffic (Prevention and Control) Act, 1956 shall have the same meaning, respectively, assigned to them in those Acts. 45 of 1860. 104 of 1956.

Formulation of National Policy to prevent and control Human Trafficking.

3. (*1*) The Central Government shall, as soon as may be after the commencement of this Act and in consultation with the State Governments by notification in the Official Gazette, formulate a National Policy aimed at Prevention and Control of growing incidents of human trafficking and overall welfare, protection and rehabilitation of victims of human trafficking.

(*2*) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to implement the national policy formulated under sub-section (*1*).

Establishment of Central Human Trafficking Prevention and Control Commission.

4. (*1*) The Central Government shall, by notification in the Official Gazette, establish a Central Human Trafficking Prevention and Control Commission for Prevention and Control of the human trafficking of citizens within the country or abroad.

(*2*) The headquarters of the Commission shall be at Bulandshahr, Uttar Pradesh.

(*3*) The Commission may establish its branches in the States and Union Territories in such manner as may be prescribed.

(*4*) The Commission shall consist of one Chairperson and such other members having relevant experience in the field to be appointed by the Central Government in such manner as may be prescribed.

(*5*) The salary and allowances payable to the Chairperson and members of the Commission shall be such as may be prescribed.

(*6*) The Commission shall be a body corporate by the name of aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(*7*) The Commission may appoint such number of officers and employees as may be necessary for the efficient functioning of the Commission and carrying out the purposes of this Act.

(*8*) The salary and allowances payable to and other terms and conditions of service of officers and employees of the Commission shall be such as may be prescribed.

Functions of the Commission.

5. The Commission shall—

(*a*) take measures for rehabilitation and welfare of victims of human trafficking;

(*b*) provide boarding and lodging facilities for victims of human trafficking;

(*c*) provide emergency medical care and necessary legal assistance to victims of human trafficking; and

(*d*) undertake such other measures as may be deemed fit for Prevention and Control of human trafficking.

Appropriate Government to formulate rehabilitation scheme.

6. The appropriate Government shall formulate rehabilitation scheme for persons rescued from trafficking and take such other welfare measures for Prevention and Control of human trafficking under this Act in such manner as may be prescribed.

A Central Government to provide adequate funds to the State Governments.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Act to have overriding effects.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Power to make rules.

10. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Human Trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. The traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims.

In 2021, over one thousand human trafficking cases were reported with almost three thousand victims across India. The State of Maharashtra had the highest number of human trafficking cases in the country with over 260 cases. India is in the league of such nations where the Governments have proved to be unsuccessful in Prevention and Control of incidents of human trafficking. India has become the largest base of human trafficking in the world. In the abominable market of human trafficking, India is being identified both as a consumer and producer.

Human trafficking has taken deep roots in the society. The network of human trafficking has been spreading across the country. Lakhs of women are being trafficked every year within the country, out of which more than forty per cent are minors. Forty per cent of the kidnapped children are forced into child labour or prostitution.

Human trafficking is a heinous and inhumane crime. The web of human trafficking is spreading rapidly in the country and it is not only spoiling the image of India in the world, but also contaminating the society on a large scale. If the growing number of incidents of human trafficking are not checked in time, the situation would go out of control.

NEW DELHI;
January 17, 2023.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of a Central Human Trafficking Prevention and Control Commission for Prevention and Control of the human trafficking. Clause 5 provides for rehabilitation and welfare measure of persons victims of human trafficking. Clause 6 provides for the formulation of rehabilitation scheme for persons rescued from human trafficking. Clause 7 provides that the Central Government shall provide adequate funds to the State Governments. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees five hundred crore per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of this Bill empowers the Appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 32 OF 2023

A Bill further to amend the Constitution (*Scheduled Tribes*) *Order, 1950.*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2023.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIV, *Tamil Nadu,* for entry 18, the following entry shall be substituted, namely:—

"18. Kuruma, Kuruman, Kurumba, Kurmbagounder, Kurumban, and Kurumbar.".

STATEMENT OF OBJECTS AND REASONS

The Kurumans is aboriginal tribe of Tamil Nadu and are dwelling throughout the state of Tamil Nadu with their tradition, culture, custom, traits etc. but still being denied the ST categorisation and other affirmative actions in the better interest of the tribe community.

As per the article 366(25) of the Constitution of India, Scheduled Tribe means such tribe or tribal communities or parts of group within such tribe for the purpose of Constitution of article 342(2) to specify the Tribe. Kurumans synonyms are presently deprived and denied their constitutional rights being extended to tribes. The said community is tribal by birth, culture, customs, traits, as concluded, under an ethnographic detailed study by the Tribal Research Centre, Ooty, Tamil Nadu. Moreover, as early as Meckenzie Manuscript's 1816, First India Surveyor General of India and other Tribal Literature viz., Madras General of Literature and Science support the Kurumans Tribes synonyms with common and generic name & culture, customs, history and origination, therefore, to be identified under ST Categorisation.

In order to render the social justice and affirmative actions without further loss of time, this Bill seeks to amend 'The Constitution (Scheduled Tribes) Order 1950' for inclusion of Kurumans synonyms names such as "Kuruma, Kuruman, Kurumba, Kurmbagounder, Kurumban, Kurumbar tribes", in the ST List in order to render social justice to oppressed and suppressed Kurumans & its synonyms names. That will ensure constitutional protection to the adivasi's Kurumans tribal synonyms against all sorts of socio-economic exploitation. Moreover it will confer all Constitutional and Legal Rights to Kuruman generic tribes as guaranteed under article 46 of the Constitution.

Hence this Bill.

NEW DELHI
January 19, 2023.

C.N. ANNADURAI

FINANCIAL MEMORANDUM

The Bill seeks to include Kuruma, Kuruman, Kurumba, Kurmbagounder, Kurumban and Kurumbar as the synonym name of Kurumans to the list of Scheduled Tribes with respect to the State of Tamil Nadu by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the Scheduled Tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees thirty-five crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees seventy crore is also likely to be involved.

BILL NO. 77 OF 2023

A Bill to provide for protection and welfare of small land holding farmers by constitution of a Minimum Price Assurance Commission and a Small Land Holding Farmers Welfare Fund and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Small Land Holding Farmers (Protection and Welfare) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agricultural produce" means agricultural produce specified in the schedule;

(*b*) "Commission" means the Minimum Price Assurance Commission constituted under section 6;

(*c*) "Fund" means the Small Land Holding Farmers Welfare Fund constituted under section 4;

(*d*) "minimum assured price" means the price of the agricultural produces fixed and declared by the Central Government under section 3;

(*e*) "prescribed" means prescribed by rules made under this Act; and

(*f*) "small land holding farmer" means a person possessing agricultural land measuring not more than ten acres and who has no major income from any source other than agriculture.

Central Government to declare minimum assured price of agricultural produce.

3. The Central Government shall, on recommendation of the Commission, at least one month before every financial year, by notification in the Official Gazette, declare the minimum assured price for each agricultural produce.

Constitution of Small Land Holding Farmers Welfare Fund.

4. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Small Land Holding Farmers Welfare Fund for carrying out the purposes of this Act.

(*2*) The initial corpus of rupees one hundred crore of which rupees fifty crore shall be provided by the Central Government, after due appropriation made by Parliament by law in this behalf, and rupees fifty crore shall be provided by the State Governments in such proportion as may be prescribed.

(*3*) The Central Government and State Governments shall contribute every year to the Fund in such ratio as may be prescribed.

(*4*) There shall also be credited to the Fund moneys received under corporate social responsibility from the corporate and other private individuals.

Utilization of Fund.

5. The Fund shall be utilized for—

(*i*) providing minimum assured price for agricultural produce;

(*ii*) payment of pension to every small land holding farmer who has attained the age of fifty-five years;

(*iii*) financial assistance to the young small land holding farmers for innovative proposals; and

(*iv*) establishing efficient institutional mechanism for full-fledged marketing of agricultural produce.

Constitution of the Minimum Price Assurance Commission.

6. (1) The Central Government shall, as soon as possible but not later than six months of the commencement of this Act, by notification in the Official Gazette, constitute a Commission to be known as the Minimum Price Assurance Commission.

(2) The Commission shall consist of—

(*a*) a Chairperson to be appointed by the Central Government in such manner, as may be prescribed, from amongst the persons having knowledge in the field of agricultural operations in small land holding farming sector and expertise in agricultural economics;

(*b*) a Vice-Chairperson to be elected by and from amongst the members of the Commission representing the small-holder farmers;

(*c*) two Members of Parliament, one each from Lok Sabha and Rajya Sabha, to be elected by the respective Houses;

(*d*) one member not below the rank of Joint Secretary, representing the Union Ministry of Agriculture;

(*e*) one member not below the rank of Joint Secretary, representing the Indian Council of Agriculture Research; and

(*f*) five members representing small land holding farmers to be nominated by the Central Government in such manner as may be prescribed.

(3) The term of office of the Commission shall be three years.

(4) The Commission shall be a body corporate having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

Functions of the Commission.

7. The Commission shall recommend to the Central Government—

(*a*) the minimum assured price for agricultural produce after taking into consideration the cost of cultivation including fifty per cent. margin on the cost of cultivation; and

(*b*) the steps to be taken for the improvement of livelihood of small-holder farmers.

Power to issue directions.

8. The Central Government may issue such directions to the State Governments as it may think necessary for carrying out the purposes of this Act.

Act to have overriding effect.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

10. (*1*) The Central Government may make rules for carrying out the purposes of this

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

[*see* section 3]

1.	Fibre	Coconut
2.	Cereals	Paddy
3.	Oil seeds	Coconut, Oil palm
4.	Fruits	Mango, Orange, Papaya, Guava, Banana, Grapes, Jack fruit, Pineapple, Rambutan, Mangostin, Cocoa
5.	Vegetables	Common pea, Gram, Tomato, Turmeric, Bitter gourd, Snake gourd, Ash gourd, Winter crops, Chilly
6.	Tubers	Topioca, Carrot, Beet root, Common taro, Elephant foot yam, Carrot, Potato
7.	Spices	Pepper, Cardamom, Ginger, Nutmeg, Clove, Cinnamon
8.	Cash crops	Rubber, Tea, Coffee

STATEMENT OF OBJECTS AND REASONS

Agriculture plays a major role in Indian economy and small land holding farmers owe a considerable share in it. Small land holding farmers are farmers with a low asset base and limited resource endowments and who depend on household members for most of the labour, small land holding farmers are characterized by smaller applications of capital but higher use of labour and other family-owned inputs, and generally higher index of cropping intensity and diversification. Farmers, especially small land holding farmers fall in debt trap due to vagaries of nature and lack of assured minimum support price for agricultural produce.

Currently, a farmer is born under debt and dies under the threat of its repayment. Due to total negligence and non-remunerative profession, youngsters are not preferring agriculture as promising and profitable. The pitfalls in farming policy and Free Trade Agreements make the situation more assailable, especially in rural economies. The whole proceedings result in social discontent, anarchy and turmoil which paves the way for terrorism and naxalism.

In short, an immediate effective intervention is needed by the Government to safeguard the dreams, hopes and aspirations of agrarian people. The constitution of the Small Land Holding Farmers Welfare Fund and the Minimum Price Assurance Commission will lend a helping hand in removing indebtedness and social insecurity from small land holding farming community. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI; GANESHAN SELVAM

February 27, 2023.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Small Land Holding Farmers Welfare Fund with initial corpus of one hundred crore rupees of which fifty crore rupees shall be provided by the Central Government. Clause 6 provides for constitution of a Minimum Price Assurance Commission for the welfare of small land holding farmers. The Bill, therefore, if enacted will involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 73 OF 2023

A Bill to provide for right to health for residents of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Andaman and Nicobar Islands (Right to Health) Act, 2023.

(*2*) It shall extend to the whole of the Union territory of Andaman and Nicobar Islands only.

(*3*) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "clinical establishment" means establishments defined as a clinical establishment under clause (*c*) of section 2 of the Clinical Establishment (Registration and Regulation) Act, 2010; 23 of 2010.

(*b*) "Government" means the Administration of Andaman & Nicobar Islands and in all other cases, the Central Government.

(*c*) "health care" means testing, treatment, care, procedures and any other service or intervention towards a preventative, promotive, therapeutic, diagnostic, nursing, rehabilitative, palliative, convalescent, research and/or other health related purpose or combinations thereof, including reproductive health care and emergency medical included any of these as a result of participation in a medical research program;

(*d*) "health care establishment" means the whole or any part of a public or private institution, facility, building or place, whether for profit or not, that is operated to provide inpatient and/or outpatient health care, and a "public health care establishment" shall accordingly refer to a health care establishment set up, run, financed or controlled by the Government or privately owned;

(*e*) "health care provider" means a medical doctor, nurse, other paramedical professional, social worker or other appropriately trained and qualified person with specific skills relevant to particular health care, nursing, rehabilitation, palliative, convalescent, preventative or other health services, and any reference to "service provider" shall mean the same unless specifically stated otherwise;

(*f*) "health impact assessment" means a combination of procedures, methods, and tools for identifying, predicting, evaluating, and mitigating potential effects of a proposed law, policy, program, project, technology, or a potentially damaging activity, in relation with health prior to taking decisions thereon and making commitments thereunder, on the health of the population, and other relevant effects, and the distribution of those effects within the population, and any reference to health impact assessment shall mean the same;

(*g*) "informed consent" means consent given, specific to a proposed health care without any force, undue influence, fraud, threat, mistake or misrepresentation and obtained after disclosing to the person giving consent, either for himself, or in representative capacity wherever it is necessary, all material information including costs, risks, benefits and other significant implications of, and alternatives to, the proposed health care in a language and manner understood by such person;

(*h*) "Panchayati Raj Institutions" means institutions of local self-Government established under any of the Union territory's Panchayati Raj Laws at village, block or district level, like Gram Panchayat, Panchayat Samiti, or Zilla Parishad, or by whatever other name called, and any reference to "PRI" shall mean the same;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "public health" means the health of the population, as a whole, especially as monitored, regulated, and promoted by the Government;

(*k*) "public health institution" means governmental organizations that is operated or designed to provide in-patient or out-patient treatment, diagnostic or therapeutic, interventions, nursing, rehabilitative, palliative, convalescent, preventative, promotive, medical research program or other health services to public;

(*l*) "Government funded health care services" means the health care services

funded and provided by the Government or those provided by the non- government entities but for which Government funds part or whole of the costs of care to some or all patients;

(*m*) "resident" means an ordinary resident of the Union territory of Andaman and Nicobar Islands; and

(*n*) "social audit" means the audit conducted by the community using the social dimension.

Right to health.

3. Every person in the Union territory of Andaman and Nicobar Islands shall have the right:—

(*a*) to have adequate relevant information about the nature, cause of illness, proposed investigations and care, expected results of treatment, possible complications and expected costs;

(*b*) to avail free Out-Patient Department services, In-patient Department services consultation, drugs, diagnostics, emergency transport, procedure, and emergency care as provided by all public health institutions accordantly to their level of health care as may be prescribed;

(*c*) to have emergency treatment and care under any emergent circumstances, without pre-payment of requisite fee or charges including prompt and necessary emergency medical treatment and critical care, emergency obstetric treatment and care, by any health care provider, establishment or facility, including private provider, establishment or facility, qualified to provide such care or treatment without delay and in a case of medico-legal nature of case, no health care provider or health care establishment shall delay treatment merely on the grounds of receiving police clearance or a police report.

Explanation.—For the purposes of this clause "medico-legal case" means any medical case which has legal implications, either of a civil or criminal nature, and includes but is not limited to cases relating to accidents, assault, sexual assault, suicide, attempt to murder, poisoning, injuries on account of domestic violence, injuries to workers during course of employment, in some of which the service provider may be required to prepare documents in compliance with demands by authorized police-officer or magistrate;

(*d*) in case of a resident, to have the right to avail free health care services from any clinical establishment in the prescribed manner and subject to the terms and conditions specified in the rules;

(*e*) to have access to patient records, investigation reports and detailed itemized bills of treatment;

(*f*) to know the name, professional status and job chart of the person who is providing health care;

(*g*) to informed consent prior to specific tests or treatment including surgery and chemotherapy from all health care establishments;

(*h*) to confidentiality human dignity and privacy during treatment at all health care establishments;

(*i*) to the presence of female person, during physical examination of a female patients by a male practitioner;

(*j*) to choose alternative treatment available at any health care establishments;

(*k*) to have treatment without any discrimination based upon illness or conditions, including HIV status or other health condition, religion, race, caste,

sex, age, sexual orientation or place of birth of any of them at all health care establishments;

(*l*) to have information about the rates or charges for each type of service provided and facilities available;

(*m*) to choose source of obtaining medicines or tests at all health care establishments;

(*n*) to patient's education about health condition;

(*o*) to safe and quality care according to standards prescribed for the health care establishments;

(*p*) to referral transport by all health care establishments, whether public or private, in the prescribed manner;

(*q*) to have treatment summary in case of a patient leaving health care establishment against the medical advice;

(*r*) to be heard and seek redressal in case of any grievance occurred during and after availing health care services;

(*s*) in case of residents, to avail free transportation, free treatment and free insurance coverage against road accidents at all health care establishments in the prescribed manner and subject to the terms and conditions specified in the rules; and

(*t*) to obtain treatment records and information from the treating health care establishments to seek second opinion from another health care professional or health care establishment.

Obligation of Government.

4. The Government shall have the following general obligations at all times, by enhancing the quantum of the health care resources in time bound manner for realization of health and well-being of every resident in the Union territory of Andaman and Nicobar Islands:-

(*a*) to develop and institutionalize Human Resource Policy for Health to ensure availability and equitable distribution of doctors, nurses and other ancillary health professionals and workers at all levels of health care as may be prescribed;

(*b*) to set up the quality audit and grievance redressal mechanisms as may be prescribed;

(*c*) to align all health services and schemes to strengthen a system of health services to empower and make residents aware for preventive, promotive and protective health care, not merely an absence of disease;

(*d*) to lay down standards for quality and safety of all levels of health care as may be prescribed;

(*e*) to make availability of Government funded health care services as per distance or geographical area or considering population density which includes health care institutions, free medicine, test and diagnostics of notified items and ambulance services as per standards as may be prescribed;

(*f*) to ensure that there is no any direct or indirect denial to anyone for any Government funded health care services at such health care establishment and such guaranteed services as may be prescribed;

(*g*) to mobilize resources and frame plans or policies to carry out obligations under this Act;

(*h*) to set up co-ordination mechanisms among the government departments to facilitate availability of nutritionally adequate and safe food, adequate supply of safe drinking water and sanitation to patients; and

(*i*) to take appropriate measures to inform, educate and empower people about health issues.

Constitution of Union territory of Andaman and Nicobar Islands Health Authority.

5. (*1*) The Government shall, by notification in the Official Gazette, constitute an independent body to be known as the Union Territory of Andaman and Nicobar Islands Health Authority consisting of the following members, namely:-

Lieutenant Governor of Andaman & Nicobar Islands	*ex-officio* Chairperson;
Member of Parliament from House of the People representing Andaman and Nicobar Islands	*ex-officio* Vice-Chairperson;
Chief Secretary, Union Territory of Andaman & Nicobar Islands	*ex-Officio* Member;
Three Members, to be nominated by Administration of Andaman & Nicobar Islands having knowledge of Public Health and Hospital Management	Members.

(*2*) The Union territory of Andaman and Nicobar Islands Health Authority shall meet at least once in three months.

(*3*) The salary and allowances payable to and other terms and conditions of services of members of the Union territory of Andaman and Nicobar Islands Health Authority shall be such as may be prescribed.

Functions of the Union Territory of Andaman and Nicobar Islands Health Authority.

6. The Union Territory of Andaman and Nicobar Islands Health Authority shall,—

(*a*) advise the Government on any matter concerning public health, including preventive, promotive, curative, and rehabilitative aspects of health and occupational, environmental, and socio-economic determinants of health;

(*b*) formulate Union Territory health goals and get these included in the mandate of Panchayati Raj Institutions and urban local bodies;

(*c*) formulate Union Territory level strategic plans for implementation of Right to Health as provided under this Act, including action on the determinants of healthy food, water and sanitation;

(*d*) develop mechanisms and systems for regular medical, clinical, and social audits for good quality of health care at all levels;

(*e*) constitute one or more committees, scientific panels, technical panels for the efficient discharge of its functions as and when required;

(*f*) ensure quality and cost effective health and diagnostic services by private health sector; and

(*g*) carry out other functions as may be prescribed.

Grievance Redressal Mechanism.

7. (*1*) The Government shall establish Grievance Redressal Mechanism within three months from the date of commencement of this Act.

(*2*) The Grievance Redressal Mechanism under sub-section (1) shall include the following, namely:—

(*a*) a specified web-portal and helpline centre where complaint may be made on denial of services and infringement of rights provided under this Act;

(*b*) the web-portal and helpline centre shall forward the grievances received to the concerned officer and his immediate supervisors within 24 hours;

(*c*) the concerned officer shall respond to the complainant within next 24 hours;

(*d*) if the complaint is not resolved by concerned officer within 24 hours as aforesaid the complaint shall be forwarded to Union territory of Andaman and Nicobar Islands Health Authority immediately.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to remove difficulties.

9. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

10. (*1*) The Central Government may make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The islanders of the Union Territory of Andaman & Nicobar, due to its geographical location remain susceptible to public health problems. This island located 1200 km from mainland India, is beset with several bottlenecks, in terms of infrastructure in health care facilities as well as in the number of health care professionals available.

Looking at the overall supply of health care (supply side) and the health outcomes (demand side) scenario, the Union Territory of Andaman & Nicobar still has miles to go in terms of improving its services in health care. The Post Pandemic scenario has thrown up new challenges for the island, which is grappling with the constrained infrastructure of healthcare facilities, further aggravated by the locational inhibiting factors.

The GB Pant Hospital is the lone referral hospital for the entire Union Territory with specialized services in Surgery, Medicine, Gynecology, Pediatrics, ENT, Pathology & Ophthalmology, etc. The Union Territory has a total of 4 functioning CHCs, out of which urban areas have zero CHCs.

It is pertinent to note that the right to life and proper health care is an integral part of life and the quality of life of an individual depends upon the quality of health care. Thus, the schemes implemented by the Government will be reaching out to more and will be implemented more efficiently if it is backed by legal sanction. Over the years Andaman and Nicobar islands have proven to be of strategic importance to the nation and have established itself as tourist hubs. In the first quarter of the last year, the island saw a footfall of 1,36,190 tourists. It is only imperative that the health infrastructure of the island is robust enough to meet the medical needs of the tourists as well.

Thus, keeping in mind the violability of the life of an individual this bill seeks to provide the basic right to health to all the citizens of Andaman and Nicobar. In addition to this, this bill also cast a duty upon the Government to protect the right to basic health care and the right to access health care for all its citizens.

The present Bill seeks to enumerate certain rights for the people of Andaman and Nicobar including free access to health care for all its citizens. However, these rights are not limited to what has been enumerated under this provision but are also in addition to what has been provided by the constitution and in other laws for the time being in force. Further, under the proposed Bill, certain duty has also been entrusted to the Government. Thus, in a nutshell, this Bill provides an inclusive approach to deal with the wide range of problems of health care and its accessibility. Further, keeping in mind the financial condition of all its citizens of the Andaman and Nicobar island this Bill provides free access to health care in cases as enumerated under the provision of the Bill.

Hence this Bill.

NEW DELHI; KULDEEP RAI SHARMA

February 28, 2023.

FINANCIAL MEMORANDUM

Clauses 4 of the Bill provides for the Administration of Andaman and Nicobar Islands to develop and institutionalize Human Resource Policy for Health to ensure availability and equitable distribution of doctors, nurses and other ancillary health professionals and workers at all levels of health care and setting up the quality audit and grievance redressal mechanisms, etc. Clause 5 provides for appointment of members for Union Territory of Andaman and Nicobar Health Authority and provides for salary and allowances for the members. Clause 7 provides for the Administration of Andaman and Nicobar Islands to establish Grievance Redressal Mechanism within three months from the date of commencement of this Act. Clause 8 provides for the Central Government to provide requisite funds for carrying out the provisions of this Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees two crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 72 OF 2023

A Bill to provide for the welfare of Shopkeepers in Andaman and Nicobar Islands and for setting up of Shopkeepers' Welfare Fund and a Board to administer the Fund and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Welfare of Shopkeepers in Andaman and Nicobar Islands Act, 2023.

(*2*) It extends to the Union Territory of Andaman and Nicobar Islands only.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Shopkeepers Welfare Board established under section 4;

(*b*) "Fund" means Shopkeepers Welfare Fund set up under section 3;

(*c*) "prescribed" means prescribed by rules made under the Act; and

(*d*) "shopkeeper " means any person who is engaged in sale of goods either retail or wholesale or where services are rendered to customers and includes an office, a store-room, godown, warehouse or workhouse or workplace.

Shopkeepers Welfare Fund.

3. (*1*) The Central Government shall by notification in the Official Gazette set up a Fund to be known as the Shopkeepers Welfare Fund for carrying out the purposes of this Act.

(*2*) The Fund shall consist of contributions from Central Government and the Administration of Andaman and Nicobar Islands in such ratio as may be prescribed.

Establishment of Shopkeepers Welfare Board.

4. (*1*) The Central Government shall, by notification in the Official Gazette, establish a Board to be called the Shopkeepers Welfare Board.

(*2*) The Board shall consist of,—

(*a*) a Chairperson to be appointed by the Central Government in such manner as may be prescribed;

(*b*) Member of Parliament representing Andaman and Nicobar Islands in the House of the People—Vice-Chairperson;

(*c*) one representative from the Administration of Andaman and Nicobar Islands to be appointed by the Central Government in such manner as may be prescribed; and

(*d*) two representatives from Retailers Association of India to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of the service of Chairperson, Vice-Chairperson and other members of the Board shall be such as may be prescribed.

Utilisation of Fund.

5. (1) The Board shall administer the Fund determine the purposes for which the Fund shall be utilized.

(2) Notwithstanding anything in sub-section (1), the Fund shall be utilized for the following purposes:—

(*i*) payment of old-age pension at the rate of rupees twenty thousand per month after the shopkeeper has attained the age of sixty years and is incapable of performing his job on account of physical illness, infirmity or incapacity;

(*ii*) free healthcare facilities for the shopkeepers and their dependent family members at the Government and other designated hospitals;

(*iii*) free insurance cover to shopkeepers; and

(*iv*) free housing facilities for shopkeepers.

Central Government to provide Funds.

6. The Central Government shall after due appropriation made by Parliament by Law in this behalf, provide adequate funds to the Board forthe effective implementation of the provisions of the Act.

Act not in derogation of any other law in force.

7. The provisions of this Act shall be in addition to and not in derogation of any other law providing for matters dealt with in this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

According to International Labour Organisation, "Social security is the protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner". It is a right which is generally guaranteed by some act or legislation to people for their economic and social security in the time of sickness, disability or old age.

The recent occurrence of coronavirus pandemic has brought the issue of social security in India at the forefront. Large scale movement of migrant workers from the various cities of India was a great lesson for all the stakeholders. It made people realise the need for social security for all the members in the society and thus, there needs to be a great deal of discussion on this issue at all the levels. It helps the recipients to ensure their rights to family protection and assistance, an adequate standard of living and adequate access to healthcare. Social security acts as an umbrella for people during adverse situations. Social welfare is not possible without social security. It acts as a buffer against all odds in the time of need. It helps in lifting millions of people out of poverty and thus, raises people's standard of living.

This bill can be considered as one of the step in the direction of dealing with provision of social security net for shopkeepers in the Andaman and Nicobar Islands by providing:

(*i*) payment of old-age pension at the rate of rupees twenty thousand per month after the shopkeeper has attained the age of sixty years and is incapable of performing his job on account of physical illness, infirmity or incapacity;

(*ii*) free healthcare facilities for the shopkeepers and their dependent family members at the designated Government and other hospitals;

(*iii*) free insurance cover to shopkeepers; and

(*iv*) free housing facilities for shopkeepers.

The Bill also seeks to provide for the establishment of a welfare fund for shopkeepers in the Andaman and Nicobar Islands with a sense of security in times of need.

Hence this Bill.

NEW DELHI;
February 28, 2023.

KULDEEP RAI SHARMA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Shopkeepers' Welfare Fund for welfare for shopkeepers in Andaman and Nicobar Islands. Clause 4 provides for constitution of a Board for administration of the Shopkeepers Welfare Fund. It also provides for appointment of Chairperson and other member to the Board. Clause 6 provides that the Central Government shall provide adequate Funds to the Board for effective implementation of the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of one hundred crore rupees is likely to be involved out of the Consolidated Fund of India per annum.

A non-recurring expenditure of one hundred crore rupees is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 70 OF 2023

A Bill to provide for regularization of the services of Anganwadi workers in the Andaman and Nicobar Islands by giving them status of permanent employee of the Government and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called as the Anganwadi Workers of Andaman and Nicobar Islands (Regularization of Service and Welfare) Act, 2023.

(*2*) It extends to the Union territory of Andaman and Nicobar Islands only.

(*3*) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "anganwadi" means an anganwadi centre set up by the Central Government or Union Territory Administration in the Union territory of Andaman and Nicobar Islands to implement the Integrated Child Development Scheme;

(*b*) "anganwadi worker" means any person working in an anganwadi on regular or contract or daily wages basis;

(*c*) "helper" means a person who has been engaged to assist Anganwadi workers in discharge of their duties under Integrated Child Development Scheme; and

(*d*) "prescribed" means prescribed by rules made under this Act.

Regularization of services of Anganwadi workers.

3. (1) The Central Government shall, by notification in the Official Gazette, take all such steps as may be necessary to regularize the services of Anganwadi workers and helpers employed in Andaman and Nicobar Islands and confer the status of not less than those of Group 'C' employees of the Central Government on all such Anganwadi workers.

(2) The Central Government shall also provide such wages and welfare facilities as are available to, or not less than, Group 'C' employees of the Central Government.

Accommodation to Anganwadi workers.

4. The Central Government shall take steps to provide housing facilities to the Anganwadi workers and helpers within the vicinity of their workplace.

Committee for welfare of Anganwadi Workers.

5. (1) There shall be constituted a Committee for the socio-economic development of Anganwadi workers employed in Andaman and Nicobar Islands to be known as the Committee for Welfare of Anganwadi Workers.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Committee shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as Parliament may by law determine.

(3) The Committee shall have the power to regulate its own procedure.

(4) It shall be the duty of the Committee—

(*a*) to investigate and monitor all matters relating to the safeguards provided for the Anganwadi workers under any law in force at the time of the commencement of this Act, or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(*b*) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Anganwadi workers;

(*c*) to advise on the socio-economic development of the Anganwadi workers and to evaluate the progress of their development in the Union territory of Andaman and Nicobar Islands;

(*d*) to bring about synergy between technology and public policy and recommend measures for enhancing income and employment potential of the Anganwadi workers through training and reforms in the health sector; and

(*e*) to discharge such other functions in relation to the protection, welfare and development and advancement of the Anganwadi workers.

Provisions of the Act to be in addition to other laws.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

7. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Anganwadi Centres were started in this country by the Central Government and State Governments for implementation of the Integrated Child Development Services Scheme. It includes the comprehensive development of health awareness among women and child welfare. The contribution of Anganwadi Centres is remarkable and has become an integral and essential part of life in rural areas. The Anganwadi workers are good promoters of various schemes of the Central Government and State Government and ensuring the health and welfare of children and women. The duties and services rendered by the Anganwadi workers are very important for the protection of the health and welfare of women and children. The Anganwadi workers do not have job security and the honorarium given to them are not sufficient to meet their immediate basic requirements. This may adversely affect the working of the Integrated Child Development Scheme.

The Anganwadi workers are one of the main links between the Government and the general public. They are helping the Government for the effective implementation of health programmes. Considering the importance of their duties and service, it is highly necessary to protect their service and welfare.

Hence this Bill.

New Delhi;
February 28, 2023.

KULDEEP RAI SHARMA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularisation of the services of anganwadi workers and helpers and confers the status not less than those of Group 'C' employees of the Central Government on all such workers. It also provides for such wages and welfare measures as are available to or not less than Group 'C' employees of the Central Government to anganwadi workers. Clause 4 provides for accommodation to Anganwadi workers. Clause 5 provides for constitution of a Committee for Welfare of Anganwadi Workers. It also provides for appointment of a Chairperson, Vice-Chairperson and Member to the Committee. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Arecurring expenditure of about rupees three hundred crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 260 OF 2022

A Bill to provide for welfare of Anganwadi workers employed across the country and to ensure that they are provided with all social security benefits.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Anganwadi Worker's Welfare Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, specify.

Definitions.

2. In this Act, until unless the context otherwise requires:—

(*a*) "anganwadi worker" means any person employed to provide additional and supplementary healthcare and nutritional services to children and pregnant women under the Integrated Child Development Services Scheme (ICDS Scheme); and

(*b*) "prescribed" means prescribed by rules made under this Act.

Welfare of ASHA worker.

3. (*1*) The Central Government shall, for the purpose of welfare of ASHA workers,—

(*a*) ensure a minimum of honorarium of rupees twenty thousand per month which shall be reviewed every five years taking into account the prevailing inflation;

(*b*) provide a personal accident insurance cover ofrupees ten lakhs to each Anganwadi workers;

(*c*) provide a health insurance cover of rupees five lakh on floater basis which shall be reviewed every five years; and

(*d*) provide a life insurance cover of rupees twenty lakh to each Anganwadi worker.

(*2*) The premium in respect of the personal accident insurance, health insurance and life insurance cover to Anganwadi workers under sub-section (*1*) shall be borne by the Central Government.

Power to remove difficulty.

4. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

5. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament. ·

STATEMENT OF OBJECTS AND REASONS

Anganwadi workers form the backbone of India's healthcare system. They are the grassroot workers who have significantly contributed for betterment of our country's progress. As a result of this, it's important that we acknowledge their contributions. The present remuneration paid for the service of these exemplary healthcare warriors is highly inadequate. Moreover, there is no proper social security for these workers. Considering the present circumstances, it's important that we provide them with adequate social security. This Bill incorporates the minimum amount of wages for Anganwadi worker's and also incorporates social security measures such as personal accident insurance, health and life insurance for these workers.

Hence this Bill.

NEW DELHI;
November 21, 2022.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of Honorarium to the Anganwadi workers by the Central Government. It further provides for payment of insurance premium by the Central Government. It also provides for contribution to pension fund of Anganwadi workers by the Central Government. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees twenty thousand crore is likely to be involved per annum from the Consolidated Fund of lndia.

A non-recurring expenditure of rupees hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 3 OF 2023

A Bill to amend the Institute of Teaching and Research in Ayurveda Act, 2020.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Institute of Teaching and Research in Ayurveda (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the long title.

2. In the Institute of Teaching and Research in Ayurveda Act, 2020 (hereinafter referred to as the principal Act), in the long title, for the words, "The Institute of Teaching and Research in Ayurveda" the words, "The Institutes of Teaching and Research in Ayurveda" shall be substituted.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*) for the words, "The Institute of Teaching and Research" the words, "The Institutes of Teaching and Research in Ayurveda" shall be substituted.

Amendment of section 3.

4. In section 3 of the principal Act in clause (*h*), after the words and number "under section 4", the words and number "under section 4 including the Institute of Ayurveda Kozhikode established under section 4A" shall be substituted.

Insertion of new section 4A.

5. After section 4 of the principal Act, the following section shall be inserted, namely:—

Establishment of Institute of Ayurveda at Kozhikode in the State of Kerala.

"**4A.** (*1*) There shall be established an Institute of Ayurveda at Kozhikode in the State of Kerala which shall be a body corporate, to be known as the Institute of Ayurveda, Kozhikode.

(*2*) The provisions of this Act shall apply *mutatis mutandis* to the Institute of Ayurveda, Kozhikode established under sub-section (*1*).".

STATEMENT OF OBJECTS AND REASONS

Kerala is bestowed with a great natural resources. Its divine location is sandwiched between the Sahyadris on the one side and the majestic Arabian sea on the other side. This unique geographical location has led it to have some unique flora and fauna. Large number of medicinal plants and herbs are found here. Kerala has been the cradle of Ayurvedic medicine since ancient times. Ayurveda is not a science in Kerala, but has been blended with the lives of common people in a great way. People from across the globe comes to Kerala for its unique Ayurvedic experience. There are large number of private sector interventions in Ayurveda in Kerala. Hence there is a great need for a Central Government institution of Ayurveda in Kerala. Kozhikode is the ideal location for such an institute. Due to its geographic location, Kozhikode will be accessible easily to neighbouring States as well.

Hence this Bill.

NEW DELHI;
November 21, 2022.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 5 of the Bill vide proposed section 4A provides for establishment of Institute of Ayurveda, Kozhikode in the State of Kerala. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees hundred crore is also likely to be involved.

BILL NO. 275 OF 2022

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Criminal Law (Amendment) Act, 2022. Short title, and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint.

CHAPTER II

AMENDMENT TO THE INDIAN PENAL CODE, 1860

45 of 1860.

2. In section 353 of the Indian Penal Code, 1860, for the words "which may extend to two years", the words, "which shall not be less than one month but which may extend upto one year" shall be substituted. Amendment of section 353.

CHAPTER III

AMENDMENT TO THE CODE ON CRIMINAL PROCEDURE, 1973

3. In the First Schedule to the Code of Criminal Procedure under the heading "I-OFFENCES UNDER THE INDIAN PENAL CODE", for the entries relating to section 353, the following entries relating to section 353, the following entries shall be substituted, namely:—

1	2	3	4	5	6
"353	Assault or use of Criminal force to deter a public servant from discharge of his duty.	Imprisonment for a term which shall not be less than one month but which may extend upto one year, or fine or with both.	Non-cognizable	Bailable	Any Magistrate"

STATEMENT OF OBJECTS AND REASONS

Over the years, section 353 of the Indian Penal Code has remained a controversial one. The veiled nature of this section provided being misused in most of the instances. Public servants often misuse this section as a form of privilege. There have been countless incidences whereby many have become victim of this section. It's with the belief that no common man walks to the door of any public office with the intention of causing any harm to the working of officials that this bill is being introduced. Public servants are not a vestige of the elite and coveted civil services, rather they are merely an agent of our citizens. Hence, it's our duty to protect the citizens.

The Bill, therefore, seeks to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 with a view to make the offence of assault or use of Criminal force to deter a public servant from discharge of his duty as "non-cognizable" and "bailable".

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 21, 2022.

M.K. RAGHAVAN

BILL NO. 243 OF 2022

A Bill further to amend the Arbitration and Conciliation Act, 1996.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, and commencement.

1. (1) This Act may be called the Arbitration and Conciliation (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 20.

2. In section 20 of the Arbitration and Conciliation Act, 1996, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that in all cases related to property loans or vehicle loans, the place of arbitration shall be in the district where the borrower usually resides.".

STATEMENT OF OBJECTS AND REASONS

There have been many problems with regard to agreement between the parties under the Arbitration and Conciliation Act, 1996. In fact, a lot of provisions have been made to ease the process of arbitration under the Act, but the lending companies are misusing them by getting the borrowers to sign the agreements to the benefit of the companies.

Section 20(1) of the Arbitration and Conciliation Act, 1996 provides that "the parties are free to agree on the place of arbitration." The same Section 20(1) of the Act is being misused by the lending companies, and in case of a dispute among the parties, these companies do not fail to harass the borrower by determining the place of arbitration thousands of kilometers away from where the borrower resides.

Under the Act, there is a provision to refer the case to the arbitrator in case of any dispute among the parties. At this juncture, the lending company decides the place of appointment of the arbitrator to be included in the terms of the loan agreement as per its own convenience.

Often, it happens that under the guise of Section 20(1) of the Arbitration and Conciliation Act, 1996, the lending companies choose the place of appointment of arbitrator at their own convenience, which becomes a hardship to the borrower. Due to this, in case of a dispute, the borrower has to travel to other States far from his residence to present his case before the arbitrator.

The place of arbitration being chosen far away, the debtor is neither able to appear before the arbitrator nor present his case. This leads to ex-parte decision being passed by the arbitrator which is equivalent to a decree of a civil court.

In view of the above, it is necessary to amend the Arbitration and Conciliation Act, 1996, with a view to provide that in the cases related to property loan or vehicle loan, the place of arbitration shall be in the district, where the borrower usually resides.

NEW DELHI;
23 *November*, 2022.

HANUMAN BENIWAL

BILL NO. 61 OF 2023

A Bill to make provisions to deal with misconduct of Government servants and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Government Servants (Regulation of Services) Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointing authority", in relation to a Government servant, means—

(*i*) the President or the authority empowered by the President to make appointments to the service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or

(*ii*) the authority empowered to make appointments to the post which the Government servant for the time being holds, or

(*iii*) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or

(*iv*) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post,

(*b*) "disciplinary authority" means the authority competent under section 5 to impose any of the penalties specified under section 4 on a Government servant;

(*c*) "Government servant" means a person who-

(*i*) is a member of a Service or holds a civil post under the Union;

(*ii*) is a member of a Service or holds a civil post under a Central Government and whose services are temporarily placed at the disposal of the State Government;

(*iii*) is in the service of the Central Government and whose services are temporarily placed at the disposal of the local or other authority;

(*d*) "prescribed" means prescribed by rules made under the Act.

Evaluation of Government servants.

3. (*1*) The Central Government shall evaluate the functioning of every Government servant through feedback from the citizens in such manner as may be prescribed.

(*2*) For the purpose of sub-section (1), the Central Government shall establish unitary feedback system in each of its department.

Penalties.

4. The Central Government may, for good and sufficient reasons and as hereinafter provided, impose the following penalties on a Government servant, namely:-

(*a*) minor penalties including,—

(*i*) censure; or

(*ii*) withholding of his promotion; or

(*iii*) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders; or

(*iv*) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension; or

(*v*) withholding of increments of pay;

(*b*) major penalties including,-

(*i*) save as provided for in sub-clause (*iv*) of clause (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant may earn

increments of pay during the period of such reduction and whether on the expiry of such period:

Provided that the reduction may or may not have the effect of postponing the future increments of his pay;

(*ii*) reduction to lower time-scale of pay, grade, post or service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period;

(*iii*) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay;

(*iv*) compulsory retirement;

(*v*) removal from service which shall not be a disqualification for future employment under the Government;

(*vi*) dismissal from service which shall ordinarily be a disqualification for future employment under the Government:

Provided that, in every case in which the charge of possession of assets disproportionate to known-sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in sub-clauses (*v*) or (*vi*) of clause (*b*) shall be imposed:

Provided further that where a Government servant delays performing an official act requested by any citizen under his jurisdiction by giving illogical and unnecessary reasons, the penalty mentioned in sub-clauses (i), (ii), or (*iii*) of clause (*b*) shall be imposed:

Provided also that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Explanation.—For the purposes of this section, the following shall not amount to a penalty, namely:-

(*i*) withholding of increments of pay of a Government servant for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;

(*ii*) stoppage of a Government servant at the efficiency bar in the timescale of pay on the ground of his unfitness to cross the bar;

(*iii*) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;

(*iv*) reversion of a Government servant officiating in a higher Service, grade, or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;

(*v*) reversion of a Government servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during

or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;

(*vi*) repatriation of a Government servant whose services had been borrowed from a State Government or an authority under the control of a State Government, at the disposal of the State Government or the authority from which the services of such Government servant had been borrowed; and

(*vii*) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement.

Disciplinary Authorities.

5. (*1*) The President may, through the appointing authority or by any other authority empowered in this behalf by a general or special order, impose any of the penalties specified in section 4 on any Government servant who is,-

(*a*) a member of a Central Civil Service other than the General Central Service;

(*b*) a person appointed to a Central Civil Service included in the General Central Service,

(*2*) The power to impose any of the penalties specified in section 4 may also be exercised, in the case of a member of a Central Civil Services, Group 'C' (other than the Central Secretariat Clerical Service), or a Central Civil Service, Group 'D',-

(*a*) if he is serving in a Ministry or Department of the Government of India, by the Secretary to the Government of India in that Ministry or Department; or

(*b*) if he is serving in any office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under section 4.

Procedure for imposing major penalties.

6. (*1*) No order imposing any of the penalties specified in section 4 shall be made except after an enquiry held, as far as may be, in the manner provided by the Public Servants (Inquiries) Act, 1850, where such inquiry is held under that Act.

(*2*) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof:

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in those rules.

Act not in derogation of other law.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order or direction shall be made or given after the expiry of two years from the commencement of this Act.

Power to make rules.

9. (*1*) The Central Government may, by notification and in consultation with the Chief Justice of India, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Bureaucrats are an essential component of government machinery. They work in government for the improvement of society and to help their fellow citizens. However, they are frequently found to be misbehaving and refusing to cooperate with the people they are obligated to serve. Many individuals frequently complain about how government employees waste their time. Even if we now have a number of rules in place to govern the behaviour of government officials, yet a robust legislation regulating the conduct of erring officials to benefit individuals and the country as a whole is urgently required.

Hence this Bill.

NEW DELHI;
February 13, 2023.

OMPRAKASH BHUPALSINH RAJENIMBALKAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish unitary feedback system in each of its department for having feedback on the functioning of every government servant. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

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UTPAL KUMAR SINGH
Secretary General.

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