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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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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.

RAJYA SABHA

The following Bills have been introduced in the Rajya Sabha on the 26th July, 2024:—

Bill No. XXXIX 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.

43 of 1951. 2. In section 62 of the Representation of the People Act, 1951, for sub-section (5), the following shall be substituted, namely:— Amendment of section 62.

“(5). No person shall be allowed to vote at any election if such person is convicted for any offence and is sentenced to imprisonment for more than seven years:

Provided that a person who is alleged to have committed any offence and is under lawful custody of the police and is under imprisonment for the period of such trial, shall have the right to vote:

Provided further that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.”

STATEMENT OF OBJECTS AND REASONS

The preamble of the Indian Constitution declares India to be a democratic State. With a population of 1.4 billion, India is the largest democracy in the world. Voting right is essential to the functioning of the democracy, envisioned by the Constituent Assembly. The Supreme Court on various occasions specially in the landmark judgement of ‘Kesavananda Bharati case vs UOI’ declared voting right as a part of the basic structure of the Constitution of India. The right to vote is unconditionally essential to a well-functioning democracy. Without the proper enforcement of this right, democracy would be farce.

2. The conviction rate of under trial or accused persons is also very low in India. The National Crime Record Bureau in its 2018 report titled ‘Prisoner Statistics India’ had mentioned that out of a total of 4,66,084 prisoners, there were 3,23,537 under trials and 1,39,488 convicts lodged across 1,339 prisons across India. Thus, it shall be fair to state that a blanket ban on the exercise of the right to vote for all prisoners is a dilution of the strength of democracy and unnecessary curtailment of the fundamental rights of the prisoners.

3. With the language of Section 62(5) of the Representation of the People Act, 1951 banning any person who is ‘confined’ in a prison from voting is not just ambiguous but also unrequitedly expansive. This is for the very reason that under trial prisoners are also “confined” on the basis of pre-supposition. While some under trials may afford to procure bail, others with critical financial conditions may not be able to afford the same. This brings out the issue of violation of Article 14 by Section 62(5) of RP Act. A more shocking violation of equality happens, by the fact, that our legal system, while not allowing a person to vote from prison allows a person to contest elections from the same prison. Article 14 of the Indian Constitution is a guarantee of equality before law and equal protection of laws. The Supreme Court of India in the case of *Amita vs UOI*, (2005) 13 SCC 721 has expounded on the meaning of the two terms, while the former lays down that no citizen shall be discriminated in the application of law, the latter puts an obligation on the State to ensure that every individual is given equal respect and concern which he is entitled to as a human being. The privileged, under privileged, politicians, or common men, all are equal before the law.

4. It is pertinent to point out that a basic facet of natural justice and the Indian criminal justice system is the presumption of innocence unless proven guilty. While the law provides for curtailment of certain rights of criminals, curtailment of a critical right of voting is against natural justice and also defeats the purpose and object of the legislation. This deprivation of rights of innocent people cannot be justified.

Hence this Bill.

IRANNA KADADI

Bill No. XLI 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.

2. After article 21A of the Constitution, the following new article shall be inserted, namely:—

Insertion of
new article
21B.

“21B. Every citizen shall have the right to—

Right to safe
drinking
water,
pollution-free
and protected
environment.

(a) safe drinking water;

(b) pollution-free environment that is not harmful to one’s health or well-being; and

(c) protected environment, for the benefit of present and future generations, so as to—

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

STATEMENT OF OBJECTS AND REASONS

Justice Krishana Iyer has characterised article 21 as “the procedural Magna Carta protective of life and liberty”. In *Maneka Gandhi case vs. Union of India* (1978) 1 SCC 248, Justice Iyer stated that the spirit of man is at the root of article 21. Freedom of right to life in its truest sense cannot be achieved without a safe healthy and clean environment. There is a need to put this as an enforceable right against the State. United Nations Human Rights Council, in 2021, unanimously voted to recognise, a clean, healthy and sustainable environment as a Universal Human Right. A healthy environment is necessary for the holistic development of humans, any violation of the same is a violation of the guarantee to life. Environmental degradation endangers the present as well as the future generations. Thus, there is a primary need for conservation, especially in an era of development and modernisation. Socio-economic justice is the foundation stone of the Constitution of India. Providing a healthy environment is also one of the elements of a welfare State. The public cannot be assured without the State working on the improvement of public health including the protection and improvement of the environment. This Bill seeks to promote the cause of environmental justice and ensure the State’s obligation to protect the environment and its resources. Expansion of article 21 should be with an objective to make life worthwhile, rather than mere animalistic existence. The term ‘life’ is of wide amplitude and must be expanded comprehensively to cover a variety of guarantees which go to constitute the life of a citizen. Any deprivation of the right to life may extend to distress all the other faculties of civil and political rights enshrined in the Constitution of India.

Hence, this Bill.

IRANNA KADADI

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21 B to the Constitution, with a view to making the right to safe drinking water pollution free environment, conservation of ecology and equitable sustainable development as a fundamental right of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India and it is difficult to estimate the expenditure at this juncture as the same will depend upon the measures taken by the Central Government in this regard.

Bill No. LVI of 2023

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

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 Right of Children to Free, Compulsory and Quality Education (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.

2. In the long title of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act),— Amendment of the long title.

(i) for the words, “Children to Free and Compulsory Education Act, 2009”, the words “Children to Free, Compulsory and Quality Education Act, 2009” shall be substituted;

(ii) for the words, “age of six to fourteen years”, the words “age of three to eighteen” shall be substituted.

3. In Section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely: Amendment to Section 1.

“(1) This Act may be called the Right of Children to Free, Compulsory and Quality Education Act, 2009.”.

4. Throughout the principal Act,—

(a) for the words “free and compulsory education”, wherever they occur, the words “free, compulsory and quality education” shall be substituted, with the exception of Section 23 and Section 39 of the principal Act;

Substitution of references to certain expressions by certain other expressions.

(b) for the words “age of six to fourteen years”, wherever they occur, the words “age of three to eighteen” shall be substituted;

(c) for the words “fourteen years”, wherever they occur, the words “eighteen” shall be substituted.

Amendment
to Section 2.

5. In Section 2 of the principal Act,—

(i) for clause (f), the following clause shall be substituted, namely—
“elementary education” means pre-school and school education;”;

(ii) after clause (j), the following new clause shall be inserted, namely—

“(jj) NEP 2020/Education Policy means the National Education Policy of India;

(jk) NCF means National Curriculum Framework of India as may be prescribed;”;

(iii) after clause (l), the following new clause shall be inserted, namely—

“(ll) “pre-school” means pre-primary education imparted to children in three to six years age group, and before class I;

(lk) “quality education” means education ensuring holistic development, inclusive access, and relevant learning opportunities for all children and is in accordance with the standards and parameters as prescribed by the competent framework/authority;”;

(iv) “after clause (n), the following clause shall be inserted, namely—

“(na) “school education” means the education from first class to twelfth class.”.

Amendment
to Section 4.

6. In Section 4 of the principal Act, for the words ‘six years’, the words ‘three years’ shall be substituted.

Amendment
to Section 7.

7. In Section 7 of the principal Act, in sub-section (6),—

(i) in clause (a), the following sub-clause shall be substituted, namely,—

“(a) implement NCF aligned with the NEP 2020 with the help of the academic authorities specified under Section 29;”;

(ii) in clause (b), the following sub-clause shall be substituted, namely,—

“extensively engage in capacity building of teachers around the new and innovative pedagogies in education, as envisaged by the National Education Policy, 2020;”;

(iii) in clause (c), the following sub-clause shall be substituted, namely,—

“provide necessary technical support to help teachers achieve skills in Foundational Literacy and Numeracy.”.

Amendment
to Section 8.

8. In Section 8 of the principal Act,

(i) In Explanation to sub-clause (i) of clause (a), for the word “six”, the word “three” shall be substituted;

(ii) for clause (d), following clause shall be substituted, namely—

“(d) provide necessary learning infrastructure including teaching-learning materials, capacity building, professional development of teachers etc;”;

(iii) for clause (g), following clause shall be substituted,

“(g) ensure good quality of education, aimed at improving learning outcomes;”;

(iv) in clause (i), after the word “teachers”, the words “and ensure continuous teacher professional development as prescribed in NEP.” shall be inserted;

(v) after the existing clause (i), the following new clause shall be inserted, namely,—

“(j) provide universal acquisition of Foundational Literacy and Numeracy Skills amongst all children.”.

9. In Section 9 of the principal Act,—

Amendment
to Section 9.

(i) in clause (a), for the words “free and compulsory elementary”, the words “free, compulsory and quality” shall be substituted;

(ii) after clause (f), the following clause shall be inserted, namely—

“(fa) provide the necessary learning infrastructure such as Teaching-Learning Materials, Capacity Building, Professional Development of teachers etc.”;

(iii) in clause (h), for the words “quality elementary education conforming to the standard and norms specified in the schedule”, the words “quality of education, aimed at improving learning outcomes” shall be substituted.

10. For Section 10 of the principal Act, following Section shall be substituted, namely,—

Amendment to
Section 10.

“10. Duty of parents and guardian.—

(i) It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education program suitable to their age in a neighborhood school;

(ii) further, it shall be the duty of every parent or guardian to the best of their ability, to motivate his or her child to complete schooling till the age of 18 years;

(iii) the appropriate government shall take necessary measures to create awareness among parents or guardians about their duties under this section, and provide necessary guidance and support to facilitate their compliance with the provisions of this Act.”.

11. In section 11 of the principal Act, for the words “elementary”, the word “school” be substituted.

Amendment to
Section 11.

12. In Section 24 of the principal Act, in sub-section (I) for clause (d) of sub-section (I), the following clause shall be substituted, namely,—

Amendment to
Section 24.

“(d) assess the learning ability of each child against the standard grade-level learning outcomes through formative and competency-based assessments.”.

13. For Section 27 of the principal Act, the following Section shall be substituted, namely,—

Amendment to
Section 27.

“27. Subject to the provisions herein, no teacher shall be engaged for any purposes other than those related to education and the competent authorities shall undertake sincere and diligent efforts to minimize the duration of administrative tasks and deployment duties that do not contribute directly to educational objectives, and thereby maximizing the time dedicated to teaching and enhancing teacher engagement in classrooms.

Without prejudice to the foregoing provision, a teacher shall only be assigned duties related to educational purpose, except for specific circumstances such as participation in the decennial population census, disaster relief duties, or duties associated with elections for the local authority, State Legislatures, or Parliament, as the case may be, and shall not be engaged in any non-educational duties beyond the aforementioned exceptions.”

Amendment
of Schedule.

14. In the Schedule to the principal Act, under the heading “Numbers of teachers:”, for the Item (*b*), the following shall be substituted, namely—

“(b) For sixth class to twelfth class.”.

STATEMENT OF OBJECTS AND REASONS

The enshrinement of the Right to Education as a Fundamental Right through the 86th Constitutional Amendment in 2002 and the subsequent passage of the Right of Children to Free and Compulsory Education Act in 2009 (RTE Act, 2009) have been pivotal moments in the history of Independent India. The RTE Act, 2009 recognizes education as a fundamental right and emphasizes the government's obligation to provide free and compulsory education to all children. This amendment underscores India's commitment to creating a more inclusive and equitable society, empowering individuals to reach their full potential. Thanks to the RTE Act, 2009, and progressive initiatives such as Samagra Shiksha Abhiyan and the PM-POSHAN Scheme, the education system has witnessed significant transformation, resulting in an impressive near 100% enrollment rate at the elementary level. These efforts have played a crucial role in developing essential infrastructure, recruiting qualified teachers, and ensuring widespread access to education, marking a significant milestone in India's pursuit of quality education for all.

2. Nevertheless, despite such notable accomplishments, India is currently grappling with a Learning Crisis, where students are attending school without acquiring essential knowledge and skills. The primary root of this predicament lies in the inadequate quality of school education nationwide. Annual surveys like the National Assessment Surveys consistently reveal dismal learning outcomes among students across various grades. It is imperative, therefore, to prioritize the enhancement of the quality of school education in India in order to improve the learning levels of our students. This important step will bring us closer to realizing the vision of the RTE Act of creating an inclusive and equitable society.

3. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2023 aims to bring significant changes to the existing Right of Children to Free and Compulsory Education Act, 2009, aligning it with the principles and objectives of the National Education Policy (NEP) 2020 and thereby improve learning infrastructure, and prioritizing foundational literacy and numeracy skills. This amendment bill seeks to address the prevailing challenges in the education system and further enhance the quality of education in India. The Bill aims to incorporate the following provisions:

(i) Inclusion of Early Childhood Education (ECE): The amendment proposes to expand the scope of the Right to Education Act by including Early Childhood Education within its purview. This expansion recognizes the critical importance of a strong educational foundation from an early age and ensures a seamless learning journey for students, promoting successful completion of schooling.

(ii) Extension of Right To Education to Higher Education: The amendment also seeks to extend the Right to Education Act to encompass higher education. This move aims to bridge the gap and provide equal opportunities for quality education to all students, regardless of their socio-economic background or geographical location.

(iii) Alignment with the National Education Policy 2020: The proposed amendment bill aligns the Right to Education Act, 2005 with the National Curriculum Framework introduced under the NEP 2020. This alignment ensures a unified and integrated approach to education, enhancing the effectiveness of curriculum implementation and fostering cooperation among states in the spirit of cooperative federalism.

(iv) Universal Provision of Learning Infrastructure: The amendment emphasizes the need to provide comprehensive learning infrastructure to benefit both teachers and students. This includes robust teacher development and training modules, high-quality teaching and learning materials, and frameworks for formative and summative assessments. These provisions will enhance classroom instruction and practices, ensuring a conducive learning environment for students.

(v) Prioritization of Foundational Literacy and Numeracy (FLN) Skills: The amendment bill recognizes the criticality of foundational learning and underscores the importance of

acquiring foundational literacy and numeracy skills. This emphasis aligns with the NEP 2020's vision and strengthens the implementation of the NIPUN Bharat Mission, which aims to ensure that all children acquire FLN skills by 2026/27.

Hence, the Bill.

IRANNA KADADI

Bill No. II of 2024*A Bill further to amend the Hindu Marriage Act, 1955.*

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

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 2024.

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.

25 of 1955.

2. In the Hindu Marriage Act, 1955, after section 7, the following new section shall be inserted, namely:

Insertion of
new section 7A.

“7A. (1) This section shall apply to any marriage between any two Hindus, whether called suyamariyathai marriage or seerthiruththa marriage or by any other name, solemnized in the presence of relatives, friends or other persons—

Special
provision
regarding
suyamayathai
and
seerthiruththa
marriages.

(a) by each party to the marriage declaring in any language understood by the parties that each takes the other to be his wife or, as the case may be, her husband; or

(b) by each party to the marriage garlanding the other or putting a ring upon any finger of the other; or

(c) by the tying of the thali.

(2) (a) Notwithstanding anything contained in section 7, but subject to the other provisions of this Act, all marriages to which this section applies solemnized after the commencement of the Hindu Marriage (Amendment) Act, 2024 shall be good and valid in law.

(b) Notwithstanding anything contained in section 7 or in any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of the Hindu Marriage (Amendment) Act, 2024 or in any other law in force immediately before such commencement or in any judgement, decree or order of any court, but subject to sub-section (3), all marriages to which this section applies solemnized at any time before such commencement shall be deemed to have been with effect on and from the date of the solemnization of each such marriage, respectively, good and valid in law.

(3) Nothing contained in this section shall be deemed to—

(a) render valid any marriage referred to in clause (b) of sub-section (2), if before the commencement of the Hindu Marriage (Amendment) Act, 2024,—

(i) such marriage has been dissolved under any custom or law; or

(ii) the woman, who was a party to such marriage whether during or after the life of the other party thereto, lawfully married another, or

(b) render invalid a marriage between any two Hindus solemnized at any time before such commencement, if such marriage was valid at that time; or

(c) render valid a marriage between any two Hindus solemnized at any time before such commencement, if such marriage was invalid at that time on any ground other than that it was not solemnized in accordance with the customary rites and ceremonies of either party thereto:

Provided that nothing contained in this sub-section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him before such commencement.

(4) Any child of the parties to a marriage referred to in clause (b) of sub-section (2), born of such marriage shall be deemed to be their legitimate child:

Provided that in a case falling under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (3), such child was begotten before the date of dissolution of the marriage or, as the case may be, before the date of the second of the marriages referred to in the said sub-clause (ii).”

STATEMENT OF OBJECTS AND REASONS

The Self-Respect was a social movement founded by Thanthai Periyar. One of the major sociological changes made through the movement was the self-respect marriage system, which encouraged inter-caste marriages, widow re-marriages which were opposed vehemently by conservative groups. It was the vision of Periyar to do away with the unnecessary rituals and ceremonies of conventional marriages, which were often dominated by Brahmin priests and often put the families under the burden of debt and dowry. Further, the then Hindu marriage ceremonies were conducted in Sanskrit, which the Tamil people did not understand, and hence the rituals and practices were based solely on blind adherence.

Furthermore, due to the prevalent practice of child marriage and very poor health facilities, there were a high number of widows in the society. However, women like Sivagami Ammaiyar, who were widowed at the age of 11 years, were given a new lease of life by the widow re-marriage principles of the self-respect movement.

Self-respect marriages have been in practice since 1928. Tamil Nadu became the first state to legalize Hindu marriages conducted without a Brahmin priest. This was implemented through the Hindu Marriage Act (Tamil Nadu Amendment) Act, 1967 (Tamil Nadu Act 21 of 1967), which inserted Section 7A after section 7 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955), to render Suyamariyathai (self-respect) and Seerthiruttha (reformist) marriages as legal when solemnized in the presence of friends, relatives. It is felt that it would be in the interest of the people at large to include this amendment into the Central legislation thus making it applicable to the entire country.

Hence this Bill.

R. GIRIRAJAN

Bill No. XXII of 2024*A Bill further to amend the Constitution of India.*

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

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2024.

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

Substitution of
article 263.

2. For article 263 of the Constitution, the following article shall be substituted, namely:—

Inter-State
Council

“263. (1) There shall be established an inter-State Council charged with the duty of—

(a) inquiring into and advising upon disputes which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest;

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject; and

(d) deliberating and making recommendations on such other matters of general interest to the States, as may be referred to it by the President.

(2) Parliament may by law determine the composition of the Council, the manner in which the Chairman and members of the Council shall be selected or appointed and related matters.

(3) The Council shall meet at least thrice in a year and at any time at the request of any member thereof.

(4) The Council shall determine its own procedure and shall have such powers in the performance of its functions as the Parliament may by law confer on it.

(5) The Council shall present to the President, annually and at such other times as the Council may deem fit, reports containing its advice or recommendations.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

3. In the Seventh Schedule to the Constitution, in List III-Concurrent List, after entry 47, the following entry shall be inserted, namely:—

Amendment
of the
Seventh
Schedule.

“48. Management of Disasters and Emergencies, natural or man-made.”

4. In the Eighth Schedule to the Constitution—

Amendment
of the Eighth
Schedule.

(a) the existing entry 3 shall be re-numbered as entry 4, and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

“3. Bhumij.”

(b) the existing entries 4 to 6 shall be re-numbered as entries 5 to 7 respectively.

(c) the existing entry 7 shall be re-numbered as entry 9, and before entry 9 as so re-numbered, the following entry shall be inserted, namely:—

“8. Ho.”

(d) the existing entries 8 to 9 shall be re-numbered as entries 10 to 11 respectively.

(e) the existing entry 10 shall be re-numbered as entry 13, and before entry 13 as so re-numbered, the following entry shall be inserted, namely:—

“12. Kui.”

(f) the existing entries 11 to 13 shall be re-numbered as entries from 14 to 16 respectively.

(g) the existing entry 14 shall be re-numbered as entry 18, and before entry 18 as so re-numbered, the following entry shall be inserted, namely:—

“17. Mundari.”

(h) the existing entries 15 to 18 shall be re-numbered as entries 19 to 22 respectively.

(i) the existing entry 19 shall be re-numbered as entry 24, and before entry 24 as so re-numbered, the following entry shall be inserted, namely:—

“23. Saora.”

(j) the existing entries 20 to 22 shall be re-numbered as entries 25 to 27 respectively.

STATEMENT OF OBJECTS AND REASONS

Article 263 of the Constitution envisions the establishment and functioning of the Inter-State Council (ISC), a vital institution aimed at fostering cooperative federalism and harmonizing relations between the Union and State Governments. It is a critical instrument for strengthening our democratic fabric and promoting the principles of federalism as enshrined in the Constitution of India. However, the historical trajectory of ISC meetings has revealed notable inconsistencies in fulfilling its mandate, thereby underscoring the need for reform.

The vision for this reform is deeply rooted in the principles of cooperative federalism, which are essential for the healthy functioning of our democracy. The Justice M M Punchhi Commission's report in 2010 emphasized the importance of cooperative federalism and underscored that effective consultation among all levels of Government is essential for its success.

Recognizing that the strained relationship between the Union and State Governments can hinder the nation's progress, the proposed amendments to Article 263 are a crucial step towards achieving national unity and fostering growth by ensuring a robust and functional mechanism for resolving differences and promoting dialogue.

This proposal seeks to reinvigorate the Inter-State Council, in alignment with the principles of cooperative federalism, and underscores the importance of amending Article 263 to empower the ISC in effectively addressing inter-State and Union-State Government matters. These reforms are pivotal in fostering national growth and unity.

India's distinctive geographic, climatic, and socio-political conditions render it susceptible to a wide range of both natural and man-made disasters. The National Disaster Management Authority's annual reports effectively illustrate our nation's vulnerability. Specific regions, like Odisha, are recurrently exposed to natural disasters, primarily cyclones. These catastrophic events have inflicted substantial economic losses and the displacement of marginalized populations nationwide.

The comprehensive scope of disaster management encompasses various activities, including preparedness, early warning systems, rescue operations, relief efforts, and rehabilitation initiatives. Disasters encompass a broad range, spanning natural calamities, health-related crises such as epidemics and pandemics, industrial accidents, and disasters arising from hostile actions, such as terrorism. Within this overarching framework, it becomes evident that several existing entries in the three lists of legislative powers pertain to areas relevant to disaster management.

For instance, "Public order" falls under the State List, as does "Public Health." Entries 14 and 17 in the State List pertain to Agriculture and Water, respectively. Environment and Social Security are included in the Concurrent List, while Atomic Energy and Railways are part of the Union List. Furthermore, after the Constitution 73rd and 74th amendments, all civic responsibilities have been delegated to local governing bodies.

The Disaster Management Act of 2005 was enacted by the Parliament, invoking its jurisdiction under entry 23 of List III, which pertains to "Social security and social insurance; employment and unemployment." Many State Governments have subsequently enacted their own legislation on similar lines. The proliferation of laws and the dispersion of relevant entries across different lists result in confusion regarding the allocation of legislative responsibilities and resources. This underscores the imperative for a specific entry related to disaster management, aligning with the recommendations of the Venkatachaliah Commission in 2002 and the Second Administrative Reforms Commission in 2006.

It is therefore, proposed to amend the Seventh Schedule to the Constitution with a view to add an entry "Management of Disasters and Emergencies, natural or man-made" in List III (Concurrent List), so that the Central Government could play its role in the area of disaster management.

Language is not merely a tool for communication; it is a vessel of human heritage, a repository of identity, history, culture, and traditional wisdom. Recognizing this profound role, the Eighth Schedule to the Constitution acknowledges 22 languages as national languages, spoken and written by our citizens. However, it is disheartening to note that tribal languages such as Bhumij, Ho, Kui, Mundari, and Saora with their rich cultural tapestries do not find a place in the Eighth Schedule.

The linguistic landscape of eastern India is a canvas adorned with a diverse array of indigenous languages, each weaving its own unique history and cultural significance.

Bhumij, an Austroasiatic language, is spoken by the Bhumij people in Jharkhand, Odisha, and West Bengal. According to the 2011 census, around 27,506 people speak Bhumij. The script used for Bhumij is called Ol Onal and was created by Mahendra Nath Sardar. However, some people also use the Bengali script, the Odia alphabet, or Devanagari.

The Ho language is spoken by the Ho, Munda, Kolha, and Kol tribal communities in Odisha, Jharkhand, Bihar, Chhattisgarh, West Bengal, and Assam. According to the 2011 census, around 1,421,418 people speak Ho. The language is written in Romanized transcription, Hindi-based Devanagari, Odia script, and the indigenous Warang Chiti script, created by Ho pandit Lako Bodra in the early 1950s. Its cultural significance is highlighted by its recognition by the University Grants Commission of India (UGC) and its inclusion in UGC exams under the Tribal and Regional Language/Literature group. Additionally, Ho gained recognition in the mass media when All India Radio started broadcasting songs and programs in the Ho language.

Kui, a south-central Dravidian language, is spoken by the Kandhas in the eastern Indian State of Odisha. According to the 2011 census, around 941,488 people speak Kui. The language is written in the Odia script. It has historical connections with Kuinga, which is closely linked to the Gond and Kuvi languages.

The Munda tribes speak the Mundari language in the eastern Indian States of Jharkhand, Odisha, and West Bengal. According to the 2011 census, approximately 1,128,228 people speak Mundari. It is closely related to Santali, and its script, Mundari Bani, was created by Rohidas Singh Nag. The language is written in various scripts, including Devanagari, Odia, Bengali, and Latin.

Saora is a language spoken by the Sora people, an ethnic group in eastern India, mainly in Odisha and Andhra Pradesh. According to the 2011 census, about 409,549 individuals speak Saora. The language is expressed in various ways, including Odia, Telugu, and Latin script, and the native writing system, Sora Sompeng, created by Mangei Gomango in 1936. The region's cultural richness is reflected in the enduring presence of Saora, echoing through time.

Including Bhumij, Ho, Kui, Mundari, and Saora languages in the Eighth Schedule will fulfil the long-standing demands and aspirations of the tribal communities speaking these five languages. To promote, integrate, and empower these languages, and to safeguard the culture and traditions of those who speak them, it is imperative that these languages be accorded the recognition they deserve by being included in the Eighth Schedule of the Constitution.

The Bill seeks to achieve the above-said objectives.

SASMIT PATRA

Bill No. XXIV of 2024*A Bill further to amend the Constitution of India.*

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

Short title and
commencement.

1. (1) This Act may be called the (Amendment) Act, 2024.

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

Amendment
of Article 164.

2. In article 164 of the Constitution, for clause (1), the following shall be substituted, namely,—

“(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office till such time they enjoy the confidence of the Legislative Assembly of the State.”

STATEMENT OF OBJECTS AND REASONS

The concept that the Queen reigns, but the Ministers rule, is the bedrock of the Westminster system. However, the adoption of colonial expressions that impregnates principles of constitutional monarchy into a republican Constitution can result in the said expressions being interpreted against the spirit of the Constitution. The concept of “serving during the pleasure” is archaic and a modern Constitution demands that such vestiges of colonial rule be dropped to strengthen its republican nature.

Accordingly, the Bill seeks to amend clause (1) of article 164 of the Constitution pertaining to the appointment and term of the Council of Ministers in a State by providing that they shall hold office till such time they enjoy the confidence of the Legislative Assembly of the State instead of ‘during the pleasure of the Governor’, as provided at present. This amendment will do away with the present archaic phraseology and bring it in consonance with the constitutional form of Government.

Hence this Bill.

A. A. RAHIM

Bill No. XXVII of 2024*A Bill to amend the Bharatiya Nyaya Sanhita, 2023.*

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

Short title and
commencement.

1. (1) This Act may be called the Bharatiya Nyaya Sanhita (Amendment) Act, 2024.
- (2) It shall come into force at once.

Amendment
of Section 63.

2. In the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the principal Act), 45 of 2023.
in section 63, *Exception. 2* shall be omitted.

Omission of
Section 83.

3. Section 83 of the principal Act shall be omitted.

Insertion of
new Section
110A.

4. In the principal Act, after section 110, the following new section shall be inserted,
namely, —

Punishment
for harming
the dignity or
right of a
dead person.

- “110A. Whoever, voluntarily harms the dignity or right of a dead person, shall be punished with imprisonment which may extend to ten years and shall also be liable to fine.”

STATEMENT OF OBJECTS AND REASONS

The Indian Penal Code, 1860 has been replaced by the Bharatiya Nyaya Sanhita, 2023 (BNS). The main ground of the Government to replace the Code was that the existing criminal law reflected colonial outlook and to get rid of the colonial past, a new law is required. There is no doubt that colonial moral imprints were clearly visible in the provisions that criminalized homosexuality, adultery, enticing married women and even marital rape exemption in the Indian Penal Code (IPC). However, it seems that the Government failed to grab the opportunity to truly decolonise the law.

2. While the BNS has dropped the provisions on criminalizing adultery (Section 497 IPC), thus giving effect to the Supreme Court decision in *Joseph Shine v. Union of India* (2019), it continues to retain the provisions on enticing a married woman (Section 83) and the marital rape exemption (Section 63, Exception 2). Section 498 of the repealed IPC criminalized enticing or taking away a married woman with the intention of sexual intercourse. Since, women were perceived as a property of their husbands, any form of sexual transgression with a wife is considered an infringement of the husband's proprietary right over her. The section was designed to protect the right of the husband and not the wife. Similar is the case of retention of marital rape exemption from the IPC in BNS, based on the belief that husbands have ownership over their wives post marriage. This exemption to the offence of rape grants immunity to the husband to have non-consensual sexual intercourse with their wives. This is even when marital rape has been recognized as cruelty and a ground for divorce. All of this is at the cost of women's dignity, bodily integrity and her right to sexual autonomy. Therefore, these provisions should be deleted from the BNS.

3. Further in *Rangaraju and Vajapeyi Vs. State of Karnataka*, the Karnataka High Court has observed that the act of sexual harassment or assault on a dead body does not come under any of the provisions of the Indian Penal Code (IPC). The Court has recommended that the IPC should be amended to make necrophilia, *i.e.*, sexual attraction or act involving a person engaging in sexual activities with a deceased body, an offence. The Division Bench passed the order acquitting the accused from the charges of raping a 25 year old woman after murdering her.

4. Necrophilia is a paraphilia in which the perpetrator derives pleasure from a heinous crime such as having sex with dead bodies. Necrophilia is a "psychosexual disorder" identified as a "paraphilia" by the DSM-IV (Diagnostic and Statistical Manual of Mental Disorders) which includes pedophilia, exhibitionism and sexual mutilation.

5. Even in the new Nyaya Sanhita, a dead person does have right and dignity. Section 315 of the BNS recognizes dishonest misappropriation of the dead man's property, as an offence. Further, section 351 of BNS, which deals with defamation, stipulates that libel or slander against a dead person also constitutes the offence of criminal defamation. Section 356 of the same law, which defines criminal intimidation, includes threatening a person with injuring the reputation of a dead person dear to him, as an offence. Section 301, deals with the offence of trespassing on burial grounds etc., states that if any person offers any indignity to any human corpse, or causes disturbance to any person assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

6. The Supreme Court in its various judgements has held that the right to dignity prevails even after death. In *S. Sethu Raja Vs. The Chief Secretary (W.P. (MI) No. 3888 of 2007)*, the petitioner had brought to the court's attention, the Supreme Court's stand on right to accord decent burial or cremation to a dead body. The Supreme Court's stand be interpreted from its decision in *Ram Sharan Autyanuprasi Vs. Union of India (AIR 1989 Supreme Court 549)* in which it held thus,

“13... It is true that the life in its expanded horizons today includes all that give meaning to a man's life including his tradition, culture and heritage and protection of that heritage in its full measure would certainly come within the encompass of an expanded concept of Art. 21 of the Constitution.”

Further the Apex Court in *Pt. Parmanand Katara Vs. Union of India (1995 (3) SCC 248)* had observed thus,

“the word and expression “person in article 21, would include a dead person in a limited sense and that his rights to his life which includes his right to live with human dignity, to have an extended meaning to treat his dead body with respect, which he would have deserved, had they been alive subject to his tradition, culture and the religion, which he professed. The State must respect a dead by allowing the body of that dead person to be treated with dignity and unless it is required for the purposes of establishing a crime, to ascertain the cause of death and the subjected to post-mortem or for any scientific investigation, medical education or to save life of another person in accordance with the law, the preservation of the dead body and its disposal in accordance with human dignity”

In *Ashray Adhikar Abhiyan Vs. Union of India (AIR 2002 SC 554)* the Supreme Court had upheld the right of a homeless deceased to have a decent burial as per their religious belief and the corresponding obligation of the State towards such people.

7. Many countries in the world have laws on necrophilia. In the UK, any kind of sexual harassment or inappropriate physical conduct with a dead body is against the law, and conviction in this case can lead to a jail term of six months to two years or a fine. Legislation against necrophilia also exists in Canada, New Zealand and South Africa. In Canada, without using the word necrophilia, it is mentioned that maximum sentence of 5 years can be cited for harming the dignity and rights of a dead body. At the same time, in New Zealand, a provision has been made for a maximum punishment of 2 years regarding this law.

8. It is therefore the need of the society that a law for providing punishment for necrophilia should be made by creating a new offence under BNS.

The Bills seeks to achieve the above said objectives.

A.D. SINGH

Bill No. XXVIII of 2024

A Bill to provide for the protection of traditional handloom silk weavers in the country particularly in Bhagalpur in Bihar and for welfare measures including life insurance coverage, healthcare educational facilities to the children of such weavers and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Traditional Handloom Silk Weavers (Protection and Welfare) Act, 2024.

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 this Act, unless the context otherwise requires:—

Definitions.

(a) “Council” means the National Traditional Handloom Silk Weavers Welfare Council constituted under section 4;

(b) “Fund” means the Traditional Handloom Silk Weavers Welfare Fund constituted under section 6;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “traditional handloom silk weavers” means any person who for at least two generations is engaged in the weaving of handloom silk and whose only source of income is the money he/she earns from weaving and selling such silk products.

National
Policy for the
welfare
of traditional
handloom silk
weavers.

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 Governments of the States having substantial population of traditional handloom silk weavers, a National Policy for the welfare of traditional handloom silk weavers and their families and for the protection of their rights and interests.

Explanation.—For the purposes of this section and sections 4 and 6, the Central Government shall prescribe the percentage of households of traditional handloom silk weavers to the total households in a State for determination of the States having substantial population of such weavers.

Constitution
of the
National
Traditional
Handloom
Silk Weavers
Welfare
Council.

4. (1) The Central Government shall, as soon as may be, by notification in Official Gazette, constitute a Council to be known as the National Traditional Handloom Silk Weavers Welfare Council for carrying out the purposes of this Act.

(2) The Council shall consist of—

(a) a Chairperson having adequate knowledge and professional experience in the handloom weaving sector, to be appointed by the Central Government in such manner as may be prescribed;

(b) a Vice Chairperson, to be appointed by the Central Government with such qualification and in such manner as may be prescribed;

(c) 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;

(d) three members to represent the traditional handloom silk weavers across the country to be appointed by the Central Government in such manner as may be prescribed;

(e) four members to represent the Union Ministries of Textiles, Finance, Planning and Labour and Employment, to be appointed by the Central Government in such manner as may be prescribed; and

(f) four members to be nominated by the Government of the States having substantial population of traditional handloom weavers on rotation basis in alphabetical order.

(3) The Council 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.

(4) The term of office and other conditions of service of the Chairperson, Vice Chairperson and members of the Council and the procedure to be followed in the discharge of the functions of the Council 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 non-official members of the Council shall be such as may be prescribed.

(6) The headquarter of the Council shall be at Bhagalpur in the State of Bihar.

(7) The Council may establish its offices at such other places, as it may deem necessary for carrying out the purposes of this Act.

(8) The Council shall have a Secretariat with such number of officers and members of staff and on such terms and conditions of service as may be prescribed.

Functions of
the Council.

5. (1) The Council shall, subject to guidelines issued by the Central Government in this regard, in coordination with the State Governments concerned, take steps for the overall welfare of traditional handloom silk weavers including, removal of poverty and indebtedness, raising the standard of living and ensuring easy availability of raw materials and markets for the sale of the handloom silk products.

(2) Without prejudice to the generality of the foregoing provisions, the Council shall,—

(a) implement the National Policy for the traditional handloom silk weavers formulated under section 3;

(b) maintain records of traditional handloom silk weavers in all villages and districts throughout the country;

(c) provide tools and techniques for weaving to the traditional handloom silk weavers;

(d) encourage and provide all necessary assistance to traditional handloom silk weavers cooperatives;

(e) organize exhibitions, *melas* and such other activities to promote traditional handloom silk products in different parts of the country;

(f) make suitable arrangements for the purchase of traditional handloom silk products by Government agencies;

(g) encourage export of traditional handloom silk products; and

(h) perform such other functions as may be assigned to it by the Central Government from time to time.

6. (1) The Central Government shall, by notification in the Official Gazette, establish a Fund to be known as the Traditional Handloom Silk Weavers Welfare Fund with a corpus of rupees two thousand crore and thereafter shall contribute to the Fund from time to time after due appropriation made by Parliament by law in this behalf along with the Governments of the States, having substantial population of traditional handloom silk weavers, in such ratio as may be prescribed.

Establishment
of the
Traditional
Handloom
Silk Weavers
Welfare Fund.

(2) 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.

(3) 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.

(4) The Fund shall be utilized for providing:—

(a) interest free loans to traditional handloom silk weavers for the purchase of raw materials, looms, tools etc;

(b) *ex-gratia* payments at prescribed rates to each of the bereaved families of traditional handloom silk weavers who die in any accident related to weaving;

(c) life insurance cover to traditional handloom silk weavers and their families;

(d) healthcare facilities to traditional handloom silk weavers and their dependent family members;

(e) financial assistance to traditional handloom silk weavers for the repair of looms and tools;

(f) unemployment allowance during illness or financial crisis during lean periods;

(g) educational facilities and vocational training to the wards of traditional handloom silk weavers; and

(h) such other welfare measures 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 to the Council such sums as may be considered necessary for the efficient functioning of the Council.

Annual Report.

8. (1) The Council 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 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.

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 regulating any of the matters dealt within 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 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.

STATEMENT OF OBJECTS AND REASONS

India is the second largest silk producer and the largest consumer in the world. The demand of silk goods, particularly silk sarees, is so high that India needs to import large quantity of raw silk to meet the domestic demand. The major silk- producing states in the country are Andhra Pradesh, Assam, Bihar, Gujarat, Jammu & Kashmir, Karnataka, Chhattisgarh, Maharashtra, Tamil Nadu, Uttar Pradesh, and West Bengal. The country's sericulture industry employs around 9.2 million people in rural and semi-urban areas (as per year 2022-23) for raw silk cultivation, production of silk goods and marketing activities. The industry is one of the largest foreign exchange earners in the country with exports to more than 30 countries in the world. The sericulture activities in India are spread across 52,360 villages.

2. As far as woven silk products are concerned, there are two major categories: hand-woven silk products and power loom silk products. Handloom products are woven by hand on simple machine loom and power loom sarees by machine, powered with the electric motor. Handloom is a dying skill, rapidly being replaced by power loom as it produces fast and at cheaper rates.

3. The handloom silk industry run by traditional weavers is facing many challenges in different ways including price fluctuation of raw silk, and competition from synthetic fibers. The conditions of traditional silk weavers in the country are pathetic and they are facing a lot of difficulties in keeping the heritage alive.

4. A case in point is the weavers of Bhagalpur, Bihar, once called the Silk City of Bihar. Five years back, there used to be around two lakh weavers in Bhagalpur, but now only 60,000 weavers are there and the business from the place has also come down from Rs. 600 crore in 2015 to Rs. 150 crore at present. Bhagalpur silk is a renowned product in the world and has got the Government's Geographical Indication tag, in view of its quality and distinctiveness. Around 1000 weavers of the place have GI certificates. Bhagalpur Silk Sarees boast a rich heritage that dates back to centuries. Crafted by skilled artisans using traditional techniques passed down through generations, the sarees embody the cultural essence of the region. The art of weaving Bhagalpur Silk is deeply ingrained in the local community with weavers meticulously creating each saree with passion and expertise. Earlier, the core process of extracting the filaments from cocoons to preparing yarn, used to take place in Bhagalpur, but now the yarn is being procured from other cities like Surat, Ahmedabad, Bengaluru and Kolkata, which sometimes gets mixed with silk imported from China and Korea. In view of the reducing demand of handloom sarees and the rising cost of the yarn, the silk industry of Bhagalpur is dying. The traditional weavers who have worked for generations are leaving the city or are opting for some other occupation for their livelihood as there is no business. These weavers need incentives and subsidies, uninterrupted power supply, continuous work, and housing facilities.

5. In the same way, there are millions of traditional handloom silk weavers spread across various parts of our country. On the one hand, silk export is increasing, earning huge foreign exchange and on the other hand, the handloom silk weavers and their families live in abject poverty nearly hand to mouth. There are many problems experienced by traditional handloom silk weavers, including limited facilities, and extreme competition from power looms, fluctuating cost of raw material, etc. For most of the traditional handloom silk weavers, it is their family profession, which passes on from one generation to other and their entire families are involved in this profession. For them, weaving is the only source of their livelihood and prosperity. It is important to stand for these people and value their art, tradition, time, skill and effort that goes into making these exquisite handloom sarees and other products.

6. Since the poor handloom silk weavers are part and parcel of our society and ours being a welfare State, it is necessary that the handloom silk weavers 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 handloom silk weavers. It has, therefore, been proposed through this Bill to establish the National Traditional Handloom Silk Weavers Welfare Council and also the Traditional Handloom Silk Weavers Welfare Fund to improve the plight of the traditional handloom silk weavers and save them from starvation in various parts of our nation.

Hence this Bill.

A. D. SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to constitute the National Traditional Handloom Silk Weavers Welfare Council along with a secretariat with such number of officers and staff to aid the efficient functioning of the Council. Clause 5 provides for certain steps to be taken by the Council for ensuring the welfare of traditional handloom silk weavers. Clause 6 provides for the constitution of the Traditional Handloom Silk Weavers Welfare Fund. Clause 7 provides that the Central Government shall provide Funds to the Council.

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 is likely to be involved 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 9 of the Bill empowers the Central Government to make provisions through an order to remove any difficulties likely to arise in giving effect to the provisions of the Bill, if enacted. Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the orders and rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. XXX of 2024

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2024.

Short title and
commencement.

(2) It shall come into force at once.

2. In article 124 of the Constitution, after clause (7), the following new clauses shall be inserted, namely:—

Amendment
of article 124.

"(8) No person who has held office as a Judge of the Supreme Court, shall be eligible for any further office under the Constitution or under the Government of India or under the Government of any State after he has ceased to hold his office:

Provided that such Judge shall be eligible for any further office created under a law passed either by the Parliament or any State Legislature.

(9) No person who has held office as a Judge of the Supreme Court, shall be eligible to join any political party or to be nominated to any political post by either the Central or the State Government after he has ceased to hold his office."

3. In article 148 of the Constitution, after clause (4), the following new clause shall be inserted, namely:—

Amendment
of article 148.

"(4A) No person who has held office as the Comptroller and Auditor General shall be eligible to join any political party or to be nominated to any political post by either the Central or the State Government."

- Amendment of article 220A. **4.** After article 220 of the Constitution, the following new article shall be inserted, namely:—
- Prohibition for holding of offices by a Judge of a High Court after demitting office. **"220 A.** (1) No person who has held office as a Judge of a High Court shall be eligible for any further office under the Constitution or under the Government of India or under the Government of any State after he has ceased to hold his office:
- Provided that such Judge shall be eligible for any office created under a law passed either by the Parliament or any State legislature.
- (2) No person who has held office as a Judge of the High Court shall be eligible to join any political party or to be nominated to any political post by either the Central or the State Government after he has ceased to hold his office."
- Insertion of new article 309A. **5.** After article 309 of the Constitution, the following new article shall be inserted namely:—
- Restrictions for holding of offices by persons serving the Union or a State after demitting office. **"309A.** (1) Notwithstanding any law made or rules framed under article 309, no person who has held any appointment to public services or any post in connection with the affairs of the Union or of any State shall be eligible,—
- (i) for any further office under the Constitution or under the Government of India or the Government of any State for a period of three years after he has ceased to hold such post; and
- (ii) to join any political party or to be nominated to any political post by either the Central or the State Government for a period of three years after he has ceased to hold such post."
- Amendment of article 319. **6.** In article 319 of the Constitution, after clause (d), the following new clause shall be inserted, namely:—
- "(e) the Chairman or a member other than the Chairman of the Union Public Service Commission or the Chairman or a member other than the Chairman of the State Public Commission shall be ineligible to join any political party or to be nominated to any political post by either the Central or the State Government."
- Amendment of article 324. **7.** In article 324 of the Constitution, after clause (6), the following new clause shall be inserted, namely:—
- "(7) No person who has held office as the Chief Election Commissioner or the Election Commissioner shall be eligible,—
- (i) for any further office under the Constitution or under the Government of India or under the Government of any State; and
- (ii) to join any political party or to be nominated to any political post by either the Central or the State Government,
- after he has ceased to hold his office."

STATEMENT OF OBJECTS AND REASONS

The Constitution of India works on the principles of checks and balances amongst various organs of the State. The Executive is accountable to the Legislature. An independent Judiciary keeps a check on the Executive and the Legislature as per the principles enshrined in the Constitution. The Election Commission, Public Service Commission, Comptroller and Auditor General (CAG) are required to perform their constitutional duties without any fear and favour, and devoid of any interference from the Government. The independence of these institutions is ensured through fixed tenure, financial independence, stringent removal procedure and restrictions after demitting the office. As per article 124, a Judge of the Supreme Court after ceasing to hold office cannot appear as a lawyer before any court or authority in India. Article 220 provides similar restrictions on a Judge of a High Court except for appearance before the Supreme Court or other High Courts. The CAG and the Chairman/Members of the Public Service Commission cannot take up any other employment with Central or State Governments after demitting office. These restrictions are laid down to avoid favouritism, during the period of holding such positions, towards the Government in power with the intent of securing any post-retirement benefits. However, there are no such restrictions for the Judges of the Supreme Court and High Courts regarding any other office after retirement.

Further there are no such restrictions on any of them when it comes to joining political parties, contesting elections or being nominated to certain posts. There are notable instances of persons who held independent constitutional posts and later went on to join politics or were nominated to various posts. There have been two Supreme Court Judges in 1967 and 1983, who resigned from their posts to contest the presidential and parliamentary elections respectively. Another Supreme Court Judge joined a political party in Tamil Nadu and contested elections five years after his retirement in 1999. A former Chief Election Commissioner became a Rajya Sabha Member and Minister in 2004. A retired Chief Justice of India was nominated to the Rajya Sabha in 2020 within four months of his retirement. Recently a High Court Judge joined a political party immediately after taking premature retirement. There have also been occasions where retired CAG and Judges have been appointed as Governors of States.

Bureaucrats are also not far behind in appointment to constitutional posts or joining political parties. Numerous bureaucrats have joined political parties and contested elections after resigning from service or soon after their retirement. The Election Commission had in 2012 recommended to the Union Government to provide for a cooling-off period for top bureaucrats after their retirement before they could join political parties and contest elections but the Government rejected that recommendation. The Supreme Court had also dismissed a writ petition in May, 2022 that sought a direction from the apex Court to the Legislature to frame a law imposing a cooling-off period for retired bureaucrats before joining politics. The Court observed that it is for the Legislature to determine whether a cooling-off period is required for bureaucrats before they join politics after retirement. There are rules at present which restrict a senior bureaucrat from joining a private job for at least one year after he or she retires from Government service. But there is no restriction on appointment to constitutional posts or on joining political parties.

The famous judicial quote that 'justice should not only be done but should also be seen to be done' must be adhered to under all circumstances. This applies equally to Judges, independent constitutional authorities and senior bureaucrats. It is an indispensable trait while discharging their official functions. Extending this principle to the period even after they demit office will have a salutary effect. A member of the Constituent Assembly, Shri K.T. Shah, had suggested that Judges of constitutional courts should be legally barred from occupying executive posts. But the Constituent Assembly did not find favour with this. Former Union Law Minister had once advocated a cooling-off period for Judges saying "pre-retirement judgments are influenced by a desire for a post-retirement job".

It is therefore proposed to have a cooling-off period of three years for joining political parties or being nominated to political posts by the Government for bureaucrats. For Judges and other independent constitutional authorities, it is proposed that there should be a total ban on any further appointments except as required by law passed by the appropriate legislature. This will instill confidence in the public at large and negate any allegations of quid pro quo.

Hence, this Bill.

A. D. SINGH

Bill No. XXI of 2024

A Bill to provide for universal basic income to all citizens and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right to Universal Basic Income Act, 2024.

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 this Act, unless the context otherwise requires,—

Definitions.

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

(b) "Board" means the National Advisory Board constituted under section 7 of the Act;

(c) "citizen" means any Indian citizen above the age of eighteen years;

(d) "notification" means a notification published in the Official Gazette;

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

(f) "universal basic income" means a stipulated financial grant as decided and paid by the appropriate Government to all citizens.

CHAPTER II

RIGHT TO UNIVERSAL BASIC INCOME

Right of citizens to universal basic income.

3. Every citizen of India shall have the right to universal basic income.

Special provisions for people who belong to below poverty line.

4. The appropriate Government shall, while ensuring universal basic income to all citizens, take special measures, in such manner as may be prescribed, to ensure a basic standard of living for people who belong to the below poverty line category.

Special provisions for people without any other source of income.

5. The appropriate Government shall, while ensuring universal basic income to all citizens, take special measures, in such manner as may be prescribed, to ensure a basic standard of living for people, who do not have any other source of income, especially the homeless people.

Special provision for children.

6. The appropriate Government shall, while ensuring universal basic income to all citizens, take special measures to ensure provision of basic nutrition to all children, for investing in a better future.

CHAPTER III

THE NATIONAL ADVISORY BOARD

Constitution of the National Advisory Board.

7. (1) The Central Government shall, with effect from the appointed day, by notification in the official Gazette, constitute, a Board to be called the National Advisory Board, for advising the appropriate Government in the matter of fixing universal basic income and revising it from time to time, to account for inflation as per the Consumer Price Index.

(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, sued and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may, if deemed necessary, with the previous approval of the Central Government, establish offices at other places in India.

(4) The Board shall have the power to regulate its own procedure.

Composition of the Board.

8. (1) The Board shall consist of a Chairperson and such number of members, to be nominated from amongst the Members of both Houses of Parliament and the State Legislative Assemblies, in such manner as may be prescribed.

(2) The term of office of, the salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Board, shall be such as may be prescribed by the Central Government.

Functions of the Board.

9. The Board shall perform the following functions, namely:—

(a) advising the appropriate Government in the matter of fixing and revising universal basic income;

(b) develop a framework for implementation of the provisions of the Act including the modalities involved in its practical implementation at the ground level;

(c) devising a mechanism to redress the grievances of the concerned parties;

(d) regularly monitor and review the implementation of the Act and submit reports thereon to the appropriate Government in such form and manner and at such time, as may be prescribed;

(e) recommend necessary changes in the provisions of the Act, as deemed necessary, to keep pace with the changing times and requirements; and

(f) any other function as may be assigned to it.

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

Officers and employees of the Board.

(2) The qualifications and experience, terms and conditions of service including salary and allowances payable to the officers and employees of the Board shall be such as may be prescribed.

11. The Board shall prepare every year, in such form and within such time as may be prescribed by the Central Government an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government, who shall cause it to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on the recommendations of the Board and the reasons for non- acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report(s).

Annual Report.

CHAPTER IV

DUTIES OF THE APPROPRIATE GOVERNMENT

12. It shall be the duty of the appropriate Government to, —

Duties of the appropriate Government.

(a) provide universal basic income to all citizens, either directly or indirectly, or ensure employment which provides basic income to all citizens;

(b) ensure that no citizen be denied universal basic income on account of not having a permanent address; and

(c) ensure that no citizen be denied the benefits of any existing subsidies or welfare schemes or any reduction in the level of benefits received under such schemes on account of provisions of this Act.

13. (1) The Central Government and the State Government shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

Sharing of financial and other responsibilities.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub- section (2), as it may determine, from time to time, in consultation with the State Governments to undertake the monitoring, administration and implementation of the Act.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) It shall be the duty of the State Government to monitor the implementation of this Act, at the micro level, and prepare and submit a comprehensive report to the Central Government, in such form and manner and at such time as may be prescribed.

(7) It shall be the duty of the Central Government to examine the report mentioned in sub-section (6) and take necessary action thereon to ensure provision of universal basic income to all citizens.

CHAPTER V

MISCELLANEOUS

Appropriate Government to issue guidelines.

14. The appropriate Government may issue such guidelines to local authorities, as it may consider necessary for carrying out the provisions of this Act.

Act not in derogation of any other law.

15. 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.

Act to have an overriding effect.

16. 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 remove difficulties.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the appropriate 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 such difficulty.

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

Powers of appropriate Government to make rules.

18. (1) The appropriate Government may, by notification in the Official Gazette, make rules, for carrying 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 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.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

STATEMENT OF OBJECTS AND REASONS

We are living in a highly iniquitous world where a microscopic minority is controlling huge assets and the majority is poor and marginalized. One of the major problems faced by the world is of inequality in the distribution of money, resources and opportunities. It is also imperative to acknowledge society's obligation to guarantee a minimum living standard in times of uncertain employment generation. Ensuring universal basic income will help every citizen to gain some financial freedom and strive for his life goal. It will provide the necessary material foundation for a life with access to basic goods and a life of dignity, but also promote many of the basic values of a society which respects all individuals as free and equal. It will also promote equality by reducing poverty, improve health conditions and educational outcomes, promote efficiency by reducing waste in government transfers and even promote greater productivity. The Bill aims to achieve an egalitarian society where individuals can lead a dignified and healthy life by providing every citizen the right to universal basic income.

V. SIVADASAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the right of all citizens to universal basic income. Clause 4 provides for special provisions for people who belong to the below poverty line category. Clause 5 provides for special provisions for people without any other source of income and clause 6 provides for special provision for meeting the nutritional needs of children. Clause 7 provides for constitution of the National Advisory Board and Clause 8 (2) provides for the salaries and allowances payable to the Chairperson and Members of the Board. Clause 10 (2) of the Bill provides for the salaries and allowances of the officers and employees of the Board. states the duties of the appropriate Government. Clause 12 provides that the Central Government shall provide adequate funds to the Board for carrying out the functions assigned to it. Clause 14 provides for sharing of financial and other responsibilities between Central Government and State Governments.

The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the appropriate Government to issue guidelines. Clause 18 provides that the appropriate Government may, make such order or give such direction, as necessary for removing any difficulty to give effect to the provisions of this Bill. Clause 19 empowers the appropriate Government to make rules to carry out the provisions of this Bill.

As the guidelines, orders, directions and rules will relate to matters of details only, the delegation of legislative power is of a normal character.

Bill No. XXIII of 2024*A Bill further to amend the Constitution of India.*

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

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2024.

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

Substitution of
article 3.

2. For article 3 of the Constitution, the following shall be substituted, namely:—
Substitution of article 3.

Formation of
new States and
alteration of
areas,
boundaries or
names of
existing States.

“3. (1) Parliament may by law—

(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;

(b) increase the area of any State;

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State;

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislative Assembly of that State for its approval within such period as may be specified in the reference.

(2) The Legislative Assembly of the State, to whom the Bill has been referred as per clause (1), may either approve or reject the Bill by a majority of votes of the members present and voting, within such period as may be specified in the reference.

(3) The Bill, so referred, if rejected by the Legislative Assembly of the State to which it had been referred by the President, shall not be introduced in either House of Parliament.

Explanation I.—In this article, in sub-clauses (a) to (e) of clause (1), "State" includes a Union territory, but in the proviso to clause (1) and clauses (2) and (3), "State" does not include a Union territory without legislature.

Explanation II.—The power conferred on Parliament by sub-clause (a) of clause (1) includes the power to form a new State or Union territory by uniting a part of any State or Union Territory to any other State or Union territory, subject to the provisions of clauses (2) and (3)."

STATEMENT OF OBJECTS AND REASONS

Article 3 of the Draft Constitution of India 1948 provided that a Bill which would form a new State, or increase or diminish the area of any State or alter the name or boundaries of any State shall not be introduced in either House of Parliament unless---

"(a) Either—

(i) A representation in that behalf has been made to the President by a majority of the representatives of the territory in the Legislature of the State from which the territory is to be separated or excluded; or

(ii) A resolution in that behalf has been passed by the Legislature of any State whose boundaries or name will be affected by the proposal to be contained in the Bill; and

(b) Where the proposal contained in the Bill affects the boundaries or name of any State, other than a State for the time being specified in Part III of the First Schedule, the views of the Legislature of the State both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and where such proposal affects the boundaries or name of any State for the time being specified in Part III of the First Schedule, the previous consent of the State to the proposal has been obtained."

In the Constituent Assembly, Prof. K.T. Shah was of the opinion that such proposals must originate in the State Legislature itself and not in the Parliament. He rightly argued that, in a democratic regime, people affected must be consulted first and a drastic measure such as redrawing boundaries of a State must not be laid out in a top-down approach.

Dr. Ambedkar then moved an amendment which was adopted and made part of the existing article 3 of the Constitution. The proviso required that the views of the State Legislature be "ascertained" by the President —

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless—

(a) where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislature of the State, or as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and

(b) where such proposal affects the boundaries or name of any State or States for the time being specified in Part III of the First Schedule, the previous consent of the State, or as the case may be, of each of the States to the proposal has been obtained'."

Dr. Ambedkar believed that Central Governments would respect federal principles and naturally consult the States first before jeopardizing their status. However, by way of the Constitution (Fifth Amendment) Act, 1955, this aspect of ascertainment of views was substituted. The amended proviso, which forms part of the existing article, provides that State Legislatures are only required to convey their views on the recommendation. The article, in its current shape and form, does not give any weightage to the views of the Legislature of the State whose boundary or name is proposed to be altered and neither does any consultation take place prior to the recommendation.

The entire exercise and the article enabling such an exercise is a clear aberration of the scheme of Cooperative Federalism.

The Bill, therefore, seeks to amend article 3 thereby providing for the President to refer the Bill to the Legislative Assembly of the State being re-organised for its approval and not merely its views. The State Legislative Assembly would have the power to either accept or reject such Bill by way of a simple majority. On rejection, the Bill would not be introduced in either House of Parliament thereby empowering the States to uphold the aspirations of the people by legitimately exercising their veto power in such proposals which they feel affect public interest.

Hence this Bill.

TIRUCHI SIVA

Bill No. XXXI of 2024

A Bill to provide for the right to old age care to all senior citizens in the country and for matters connected therewith or incidental thereto.

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

Short title and
commencement.

1. (1) This Act may be called the Right to Old Age Care Act, 2024.

(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 case of a State, the Government of that State and in all other cases, the Central Government;

(b) "local authority" means a Municipal Corporation or Municipal Council of Zila Parishad or Nagar Panchayat, by whatever name called, and includes such other authority or body having administrative control or empowered by, or under any law for the time being in force to function as a local authority in any city, town or village;

(c) "old age care" means proper nutritious food, healthcare including medicines, leisure and ensuring proper mental and physical wellbeing and welfare of the senior citizen;

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

(e) "senior citizen" means any citizen living within the territory of India above the age of sixty-five years.

3. (1) Every senior citizen shall have the right to old age care.

Right to old age care.

(2) No senior citizen shall be denied old age care on account of their lack of income or other circumstances.

4. The appropriate Government shall while ensuring universal access to old age care to all senior citizens, take special measures to address the special needs of and provide special facilities to the differently-abled senior citizens.

Special provisions for differently-abled senior citizens.

5. The access to old age care should be designed in such a way that no senior citizen is left out of the ambit of its benefit due to income inequality, social inequity or information asymmetry.

Universal access to old age care.

6. (1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

Sharing of financial responsibility.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

7. It shall be the duty of the appropriate Government or local authority, as the case may be, to—

Duties of appropriate Government or local authority.

(a) ensure free old age care to every senior citizen;

(b) ensure that no senior citizen is discriminated against and/or prevented from accessing old age care;

(c) notify or establish, where it is not so established, a well-equipped old age care centre, within such area or limits of neighbourhood, as may be prescribed; and

(d) provide necessary infrastructure for the old age care centres including building, equipments and well-trained staff.

8. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made by the Central Government 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 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 section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

STATEMENT OF OBJECTS AND REASONS

India has the one of youngest population as of now. But the number of old age people are increasing each year with the lowering of birth rate and death rate. Increased life expectancy of the citizens will translate into a more aged population. Further, with an increase in the proportion of the younger generation migrating to other cities or countries in search of livelihood and career avenues, aged parents and relatives are often left isolated in their home towns with no one to take care of them in their old age and sickness.

Necessary steps need to be taken urgently to see that the problem is addressed properly. Senior citizens need help in terms of old age care and resources and information.

The Central Government shall take it up as its statutory responsibility backed by sound legislation to ensure right to old age care to all senior citizens of India.

The Bill seeks to achieve this objective.

V. SIVADASAN

FINANCIAL MEMORANDUM

Sub-clause (2) of Clause 3 of the Bill provides that no senior citizen shall be denied old age care on account of their lack of income or other circumstances. Clause 4 provides that the appropriate Government shall take special measures to address the special needs of and provide special facilities to the differently-abled senior citizens.

Clause 6 provides that the Central Government shall have the primary responsibility for providing funds for the purpose of implementation of the Act and shall provide funds to the State Governments, to meet such percentage of expenditure, as may be prescribed, as grants-in-aid of revenues, to enable them to carry out the purposes of this Bill.

Clause 7 provides that it shall be the duty of the appropriate Government or the local authority, as the case may be, to notify or establish, a well-equipped old age care centre, within such area or limits of neighbourhood, as may be prescribed and also provide infrastructure including building, equipments and well-trained staff.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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. XXXIII of 2024

A Bill to provide for protecting the interests and rights of persons affected by the impact of recurring natural disasters due to climate change and other factors by constitution of a National Commission for Natural Disaster Affected Persons for the said purpose and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Protection of Rights of Persons Affected by Natural Disaster Act, 2024. 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 this Act, unless the context otherwise requires,— Definitions.

(a) "Commission" means the National Commission for Natural Disaster Affected Persons constituted under Section 4 of this Act.

(b) "natural disaster" means any calamity, catastrophe, or grave occurrence arising from natural rather than human-driven causes, such as earthquake, cyclone, floods, tsunami, droughts, cloudburst, landslides, lightning strikes, forest fires, epidemics etc. affecting a large area and resulting in substantial loss of human life or damage to and destruction of, private property, or public infrastructure, or damage to, or degradation of the natural environment, and so declared by a notification by the Central Government;

(c) "natural disaster affected persons" means the persons residing in regions, particularly coastal belts, mountainous regions and other areas which are particularly vulnerable to natural disaster; and

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

Notifying
regions as
disaster prone.

3. The Central Government shall, on recommendation of the Commission constituted under Section 4 of this Act, notify the regions which are particularly vulnerable to climate change, as 'natural disaster-prone areas' in the Official Gazette;

Constitution
of a National
Commission
for Natural
Disaster
Affected
Persons.

4. (1) The Central Government shall, within six months of the commencement of this Act, by notification in the official Gazette, constitute a body to be known as the National Commission for Natural Disaster Affected Persons to exercise the powers conferred upon and to perform such functions as assigned to it, under this Act.

(2) The Commission shall consist of the following:—

(i) the Union Minister of Environment, Forest and Climate Change - Chairperson, ex-officio;

(ii) the Principal Scientific Advisor to the Government of India - Member, ex-officio;

(iii) the Chairperson, National Disaster Management Authority - Member, ex-officio;

(iv) one environmental activist to be nominated by the President of India in such manner as may be prescribed - Member; and

(v) one member to be nominated from each State by the respective State Government in such manner as may be prescribed - Members.

(3) The headquarters of the Commission shall be at New Delhi.

(4) The Commission may establish its offices at such other places within the country, as it may deem necessary for carrying out the purposes of this Act.

(5) The salary and allowances payable to, and other terms and conditions of service of the non-official Members of the Commission shall be such as may be prescribed by the Central Government.

Duty and
functions of
the
Commission.

5. (1) The Commission shall perform all or any of the following functions, namely—

(a) lay down a national policy and guidelines for protection of the rights and interests of natural disaster affected persons during all stages of disaster management, including preparedness, response, recovery, and rehabilitation;

(b) formulate schemes and plans for management of natural disasters across the country including mechanism for forewarning and damage control measures to be taken in anticipation of such disasters to minimize and mitigate the devastation and destruction resulting therefrom;

(c) management of immediate relief and rehabilitation of natural disaster affected persons;

(d) study and identify regions which are prone to recurring natural disasters and particularly vulnerable to climate change impacts and make recommendations to the

Central Government to notify such regions as "natural disaster-prone areas" in the Official Gazette;

(e) recommend to the Central Government to provide special financial assistance to the States or Union Territories in which natural disaster prone areas are located for the purpose of undertaking recovery, mitigation and preventive measures such as provision of adequate compensation based on the Commission's field assessment of the nature and quantum of loss of lives and property or damage thereto;

(f) constantly monitor the increasing impact of climate change and submit policy recommendations to the Central Government, which shall address the concerns of such regions while allocating resources;

(g) receive and examine complaints regarding violation of the rights of natural disaster affected persons including negligence or failure in providing timely relief and rehabilitation or non-compliance of the policy and guidelines issued by it from time to time and recommend appropriate action in the matter; and

(h) such other functions, as it may consider necessary, for implementation of the provisions of this Act and any other matters incidental to the above functions.

(2) The Commission shall have the power to regulate its own procedure related to the functions enumerated in sub-section (1) and for matters connected therewith.

6. (1) The Commission may appoint such number of officers and staff as it may consider necessary for the efficient discharge of its functions under this Act.

Secretariat of
the
Commission.

(2) The mode of recruitment, the salary and allowances payable to, and other terms and conditions of service of the officers and staff of the Commission appointed under sub-section (1) shall be such as may be prescribed.

7. The Central Government shall, after due appropriation made by Parliament by law on this behalf, grant such sums of money to the Commission, as it may think fit, for carrying out the purposes of this Act.

Central
Government
to provide
adequate funds
to the
Commission.

8. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

Accounts and
Audit.

(2) The accounts of the Commission as audited and certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the Commission to the Central Government which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

9. (1) The Commission shall prepare every year, in such form and within such time as may be prescribed by the Central Government an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government.

Annual
Report of the
Commission.

(2) The Central Government shall cause the annual and special reports of the Commission to be laid before each House of Parliament along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non- acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

10. 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.

Act not in
derogation of
any other law.

Act to have
an overriding
effect.

11. 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
remove
difficulties.

12. 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 such difficulty.

Power to
make rules.

13. (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 by the Central Government 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 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 reports from several international agencies, during the period from 1970 to 2019, natural hazards accounted for 50 per cent. of all disasters, 45 per cent. of all reported deaths and 74 per cent. of all reported economic losses.

Globally, there were more than 11,000 reported disasters attributed to these hazards, with over two million deaths and \$3.64 trillion in economic losses. More than 91 per cent. of these deaths occurred in developing countries. Meanwhile, economic losses have increased sevenfold globally, rising from an average of \$49 million in 1970s, to a staggering \$383 million per day in 2010s.

India as a country with a vast land area and high population density has found itself in the cusp of many natural disasters which take away the lives of hundreds of innocent people and result in huge economic losses.

There is a need to ensure that the regions which are particularly vulnerable to climate change-induced disasters are not left alone and are supported by the nation so that an equitable growth and development is made possible for all areas of the country. States which are repeatedly facing recurring natural disasters needs special assistance and attention, so that they do not lag behind in development.

The Bill proposes to constitute a National Commission for Natural Disaster Affected Persons for protecting the interests and rights of persons affected by the impact of natural disasters arising due to climate change and other factors by constant monitoring of the increasing impact of climate change and make policy recommendations to the Central Government to mitigate its adverse effects on the vulnerable population.

Hence, this Bill.

V. SIVADASAN

FINANCIAL MEMORANDUM

Clause 4 provides for the constitution of the National Commission for Natural Disaster Affected Persons and the appointment of a Chairperson and Members therein as well as the salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members of the Commission. Clause 5 lays down the duties and functions of the Commission including the study and identification of regions which are prone to natural disasters and particularly vulnerable to climate change impacts and to constantly monitor the increasing impact of climate change and submit policy recommendations to the Central Government in this regard. Clause 6 provides for the establishment of a Secretariat to support the functioning of the Commission and the salary and allowances payable to and other terms and conditions of service of the officers and staff of the Commission. Clause 7 of the Bill provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Commission, as it may think fit, for carrying out the purposes of this Act.

The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 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. XXV of 2024

A Bill further to amend the General Clauses Act, 1897.

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

1. (1) This Act may be called the General Clauses (Amendment) Act, 2024.

Short title and
commencement.

(2) It shall come into force at once.

10 of 1897.

2. In section 3 of the General Clauses Act, 1897 (hereinafter referred to as the ‘principal Act’),—

Amendment
of section 3.

(i) after clause (62), the following new clause shall be inserted, namely:—”

(62A) “transgender person”, with its grammatical variations and cognate expressions, shall have the same meaning as assigned to it in clause(k) of section (2) of the Transgender Persons (Protection of Rights) Act, 2019;” and

40 of 2019.

(ii) clause (62A) shall be renumbered as ‘(62AA)’.

Amendment
of section 13.

3. For sub-section (1) of section 13 of the principal Act, the following shall be substituted, namely,—

“(1) words importing the masculine gender shall be taken to include females and transgender persons; and”.

STATEMENT OF OBJECTS AND REASONS

The General Clauses Act, 1897 (Act No. 10 of 1897) has been a cornerstone of our legal framework, providing a foundation for the interpretation and application of statutes promulgated in the country. It is the Interpretation Act of India and has often been called the “Law of all laws”. The General Clauses Act, 1897 has been expressly made applicable for the interpretation of the Constitution as well by virtue of clause (1) of article 367. It makes provisions as to the construction of General Acts and other laws of all-India application. The Supreme Court had pointed out in *the Chief Inspector of Mines and Anr. v. Lala Karam Chand Thapar, Etc (1961)* that the purpose of the General Clauses Act is to place in one single statute different provisions pertaining to interpretations of words and legal principles which would otherwise have to be specified separately in many different acts and regulations. Whatever the General Clauses Act says, whether as regards the meanings of words or as regards legal principles, has to be read into every statute to which it applies.

Sub-section (1) of section 13 of the Act provides that, in all Central Acts and Regulations, unless there is anything repugnant in the subject or context, words importing the masculine gender shall be taken to include females. However, this narrow interpretation no longer aligns harmoniously with our present-day comprehension of gender and justice. It has become imperative for our legal structure to evolve in tandem with societal progress, ensuring that it is all-encompassing and just for all its citizens.

It must be noted that queerness is a natural phenomenon which is known to India since ancient times. In fact, historically, Hijra or transgender persons had played a prominent role in Indian society. However, with the onset of colonial rule, the situation changed drastically, and since then, the transgender community in India has been marginalized and discriminated against, socially, economically and politically.

The Supreme Court, in its judgment dated 15th April, 2014 in *National Legal Services Authority Vs. Union of India and Ors.*, unequivocally pronounced that the State is obliged to acknowledge individuals who exist beyond the traditional male-female binary, designating them as ‘third gender persons,’ and affirming their entitlement to all constitutionally guaranteed rights. The directive further called upon the Union and State Governments to confer legal recognition upon the self-identified gender of transgender persons. While the dictum laid down by the Apex court represented a significant stride forward, there remains a compelling imperative for a comprehensive legal recognition with the aim of empowering the transgender community.

The landmark judgment of the Supreme Court in 2018 in *Navtej Singh Johar & Ors. v. Union of India* played a pivotal role in safeguarding the rights of the LGBTQ community. This seminal judicial pronouncement resulted in the decriminalization of consensual homosexual acts among adults and a resolute affirmation of the dignity and rights of LGBTQ individuals. The Supreme Court, in essence, ruled that LGBTQ individuals are to be recognized as equal citizens, underlining that any form of discrimination rooted in sexual orientation or gender is impermissible and in violation of the law and the fundamental rights enshrined in the Constitution.

While the Parliament subsequently enacted the Transgender Persons (Protection of Rights) Act, 2019, to protect the rights of the transgender community and provide welfare measures for their betterment, the members of this community continue to confront various manifestations of violence, oppression, contempt, and ridicule on a daily basis. They continue to face economic, social and political oppression in both visible and invisible ways.

In *Supriyo @ Supriya Chakraborty & Anr. v. Union of India (2023)*, while examining the question of incorporating gender-neutral provisions within the Special Marriage Act, 1954, the Supreme Court, while adhering to the doctrine of separation of powers, observed against judicial legislations and placed the responsibility on the Parliament to fill the vacuum in due course of time vis-à-vis the transgender community.

Including the transgender community in the General Clauses Act would ensure that they are not discriminated against while interpreting or applying any laws enacted in the country. It would be a significant as well as a symbolic step towards recognizing their rights and promoting inclusivity. In light of the observations of the Supreme Court and international human rights norms, Parliament has a unique responsibility to affirm the rights of every individual, regardless of their sexual orientation, gender identity, or expression. In a democratic and diverse nation like India, fostering inclusivity and non-discrimination is not just a legal responsibility but a moral and ethical imperative as well. Recognizing the rights of transgender persons within the General Clauses Act, 1897, is thus a pivotal step toward dismantling the societal barriers and stigma that have hindered their full participation in all aspects of life.

As such, by addressing this matter, a powerful message can be sent that India stands firmly on the side of equality and justice for all its citizens. Ultimately, passage of this legislation would be a vital step towards fulfilling the promise of a just and compassionate society where social justice prevails.

Hence, this Bill.

JOHN BRITTAS

Bill No. XXVI of 2024

A Bill further to amend the University Grants Commission Act, 1956.

WHEREAS it is expedient to reinforce the principles of constitutional governance and uphold the integrity of legislative authority of the States in the realm of education.

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

1. (1) This Act may be called the University Grants Commission (Amendment) Act, 2024.

Short title and commencement.

(2) It shall come into force at once.

Insertion of
new section
27A.

State laws to
prevail over
rules and
regulations
made under
this Act in case
of repugnancy.

2. In the University Grants Commission Act, 1956, after section 27, the following new section shall be inserted, namely, —

3 of 1956.

”27A. Notwithstanding anything contained in this Act, if any provision of a law made by the Legislature of a State is repugnant to any provision of the Rules or Regulations made under this Act, then, the law made by the Legislature of the State, whether passed before or after the notification of the Rule or Regulation made under this Act, shall prevail and the Rule or Regulation so made under this Act shall, to the extent of the repugnancy, be void in that State.”.

STATEMENT OF OBJECTS AND REASONS

Education is a field which our founding fathers were resolute to keep under the domain of the States, as evident from its placement Entry 11 of the State List under the Seventh Schedule of the Constitution. However, during the period of emergency, the Constitution (Forty-second Amendment) Act of 1976 altered this paradigm by transposing Education from the State List to the Concurrent List as Entry 25. This pivotal shift significantly curtailed the autonomy of States in overseeing their educational institutions and Universities, ushering in an era where the Union Government and its instrumentalities wielded control over this vital sphere of governance. Compounding these challenges, recent decisions of the Supreme Court in cases such as *Gambhirdan K. Gadhvi vs. State of Gujarat & Ors.* [(2022) 5 SCC 179], *State of West Bengal Vs. Anindya Sundar Das & Ors.* [2022 SCC Online SC 1382], *Professor (Dr.) Sreejith P.S. vs. Dr. Rajasree M.S. & Ors.* [2022 SCC Online SC 1473], and others, concerning the precedence of UGC Regulations over State laws, have ignited fervent debates on the constitutional interpretation of the relationship between Central Regulations *vis-à-vis* State laws. At the heart of this discourse lies the concept of subordinate legislation/delegated legislation, a progeny of executive fiat, which refers to Rules, Regulations, or Orders promulgated by executive authorities under the powers conferred upon them by an Act of Parliament or State Legislature.

2. In *Gambhirdan K. Gadhvi vs. State of Gujarat & Ors.* and subsequent cases, the Supreme Court deliberated on whether the Regulations issued by the University Grants Commission (UGC) under the University Grants Commission Act, 1956 [Act No. 3 of 1956] {hereinafter referred to as “UGC Act”}, representing a quintessential example of subordinate legislation, could supersede laws enacted by State Legislatures, based on the doctrine of repugnancy under Article 254 of the Indian Constitution. The Apex Court, accorded primacy to UGC Regulations, contending that they formed an integral part of the UGC Act as a subordinate legislation, thus prevailing over conflicting State laws. The Supreme Court reasoned that since UGC Regulations and Rules are to be laid before each House of Parliament as per section 28 of the UGC Act, the UGC Regulations assume statutory force and becomes inseparable from the parent Act. However, granting primacy to delegated legislation over State enactments not only impinges upon the federal tapestry woven by the framers of our constitution but also raises profound questions regarding its constitutional legitimacy and ramifications on the constitutional framework governing legislative relations between the Union and States. Furthermore, this judgement of the Apex Court effectively diminishes the concurrent legislative authority granted to the States by the Constitution in the realm of education. Therefore, a nuanced understanding of constitutional principles and a re-consideration of the role of subordinate legislation in the hierarchy of laws are imperative to safeguard the federal structure and democratic ethos enshrined in the Constitution.

3. The foundational principle embodied in Article 254 of the Constitution serves as the lodestar amidst this constitutional entanglement. Article 254 delineates a delicate equipoise between Parliamentary enactments, pre-constitutional subordinate legislation and State legislations, save for exceptions carved out under Presidential assent. Notably, the diligent omission of post-constitutional subordinate legislations from this interplay, as elaborately explained hereinafter, underscores need to safeguard the sovereignty of State laws against encroachment by central executive mandates.

4. The fundamental tenet gleaned from a meticulous examination of Article 254 evinces that in the event of any inconsistency between laws enacted by Parliament and those promulgated by State Legislatures, the laws made by Parliament shall prevail unless the conflicting State legislation receives the President’s assent. As such, it shows that the

concept of repugnancy under this Article pertains specifically to conflicts between State laws and substantive laws passed by Parliament, thereby excluding considerations of Rules, Regulations, and the like. Furthermore, Article 254 is housed within Part XI, Chapter I of the Constitution, which enunciates ‘Legislative Relations between the Union and the States’. This Chapter is distinctly concerned with delineating the distribution of legislative powers between State legislatures and Parliament, and not with Union Executive, contrasting with Chapter II, which addresses ‘Administrative Relations’ encompassing relationships between the Union and State Executives.

5. In addition to the primary principle outlined in Article 254, as elucidated above, clause (1) of Article 254 establishes that if any provision of a law enacted by a State Legislature conflicts with a provision of an “existing law” concerning matters enumerated in the Concurrent List, the “existing law” shall take precedence. This underscores the critical distinction between the terms “law” and “existing law” within the purview of Article 254, as the Article employs them distinctly to delineate different scenarios. Thus, it becomes imperative to comprehend the nuances and scope of these terms for a comprehensive interpretation of Article 254.

6. Within the Constitution’s definition clause (Article 366), the term “Law” lacks a specific definition that extends its scope to encompass subordinate legislations such as Rules or Regulations. The sole provision in the Constitution permitting the inclusion of Rules and Regulations within the ambit of “Laws” is Article 13(3)(a) in Part III. However, this provision is confined to the context of determining the validity of laws inconsistent with or derogatory to fundamental rights and is not applicable to other parts of the Constitution. Consequently, the significance of the term “existing laws” becomes paramount, as evidenced by the Constitution framers’ decision to differentiate between “Laws” and “existing laws” within the same Article. In this regard, clause 10 of Article 366 is reproduced hereunder;

366. Definitions.—In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

(10) “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the commencement of this Constitution by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation; (Emphasis supplied)

Therefore, Article 366(10) allows for a narrow interpretation of Article 254, accommodating only those Rules and Regulations promulgated „before the Constitution’s commencement under the term “existing law”. Thus, the framers of the Constitution deliberately employed both “Laws” and “Existing Laws” within the same Article 254 to unequivocally convey their intent that no form of subordinate legislation by the Central Government or its instrumentalities should render State laws subservient, except for those subordinate legislations promulgated prior to the Constitution’s commencement, which came into force on 26th January, 1950. This meticulous delineation within the Constitution, reserving a niche for pre-constitutional subordinate legislations under the rubric of “existing law”, underscores the Constitution makers’ commitment to preserving the principles of co-operative federalism while ensuring administrative continuity by safeguarding pre-constitutional legislation including subordinate legislations.

7. The intention of our founding fathers is unmistakably clear, leaving no room for ambiguity, as they meticulously distinguished between pre-constitutional and post-constitutional subordinate legislations, granting explicit authority for the former to supersede State laws while denying such permission for the latter. This is underscored by the specific meaning attributed to the term “existing law” in clause (10) of Article 366. This differentiation, permitting pre-constitutional subordinate legislation as a transitional provision, finds further reinforcement in the language of clause (2) of Article 254. Here, the distinct terms “earlier

law made by Parliament” and “existing law” within the same sentence serve to emphasize this differentiation once more.

8. As such, since the UGC Act and its corresponding Regulations were enacted after the Constitution’s commencement and do not pertain to fundamental rights outlined in Part III of the Constitution, the Regulations under the UGC Act can neither run *pari passu* the State Laws nor make the State laws subservient. Consequently, in instances of conflict between UGC Regulations and State laws, the latter should prevail as per the letter and spirit of Article 254 of the Constitution.

9. Remarkably, this pivotal aspect outlined in Article 254 in conjunction with Article 366(10) seems to have been overlooked in the judgements *supra*. By equating subordinate legislation with central laws without delving into the scope of the term “existing laws” in Article 254 r/w Article 366(10), it appears that the Courts have inadvertently expanded the scope of Article 254 beyond its intended purview. None of the mentioned judgements have addressed the crucial aspect of “existing law” in Article 254, which proscribes the precedence of subordinate legislations passed after the Constitution’s commencement over State laws.

10. The doctrine of repugnancy enshrined in Article 254 presupposes a delicate equilibrium of legislative powers among the Parliament and State Legislatures, with each possessing exclusive authority over certain subjects. Allowing post-constitutional delegated legislation to override State laws not only contradicts the Constitution itself but may also disrupt this balance, potentially encroaching upon the autonomy of States in legislative matters.

11. Moreover, treating central subordinate legislation on par with Central Laws confers significant authority upon the Union Government and its instrumentalities to establish any kind of rules and regulations without undergoing thorough legislative scrutiny. Reliance by Courts on Section 28 of the UGC Act to subjugate State laws to UGC Regulations neglects the schism between legislative and delegated powers. While State laws are crafted by elected representatives, delegated legislation originates from executive bodies. Delegated legislation, by its nature, lacks the democratic participation, scrutiny, and consideration of regional interests and deliberation associated with legislative enactments, warranting a more circumspect approach to its legal status. The will of a legislature comprising the elected representatives should not be made subservient to delegated laws promulgated by Executive. An interpretation to the contrary also disregards the significance of Article 254(2), an exception to the doctrine of repugnancy, which allows State laws, even if conflicting with central laws, to supersede them with the President’s assent. As previously discussed, the above referred judgements also effectively undermine the concurrent legislative authority granted to the States by the Constitution in the realm of education.

12. Furthermore, the Supreme Court’s approach to interpreting Article 254 in the context of conflicts between central regulations and state laws seems to be inconsistent. While delivering judgements in *Gambhirdan K. Gadhvi vs. State of Gujarat & Ors.* and subsequent cases, the Supreme Court overlooked its own precedent established in *Kalyani Mathivanan vs. K. V. Jeyaraj & Ors.* [(2015) 6 SCC 363], wherein it was ruled that UGC Regulations are not binding unless adopted by the State Government. While paragraph 3.7 of the *Gambhirdan K. Gadhvi* judgment made a mention of the *Kalyani Mathivanan* decision, it failed to engage in any discussion or offer reasons for departing from the precedent set by the latter. This omission led to conflicting conclusions on the same subject matter, thereby creating inconsistency regarding the hierarchy of laws and regulations.

13. In conclusion, the judicial interpretations in *Gambhirdan* and subsequent cases regarding the UGC Regulations have veered off the constitutional trajectory, highlighting a significant chasm between constitutional intent and judicial interpretation. Given these intricacies, there is a pressing need for recalibration of this jurisprudence to realign with the true essence of Article 254 and to safeguard the federal principles and democratic values enshrined in the Indian Constitution. Therefore, legislative clarity through amendment to

the UGC Act is essential to ensure consistency and coherence with constitutional principles in resolving conflicts between UGC Regulations and State laws, upholding the paramountcy of the Constitution.

14. As lawmakers, it is incumbent upon us to heed this clarion call and the Bill seeks to address these imbalances and reaffirm the federal principles of our Constitution.

Hence, the Bill.

JOHN BRITTAS

Bill No. XXXII of 2024

A Bill further to amend the Citizenship Act, 1955.

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

1. (1) This Act may be called the Citizenship (Amendment) Act, 2024.

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.

57 of 1955.

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), for the existing proviso, the following proviso shall be substituted, namely:—

Amendment
of section 2.

“Provided that any person belonging to Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka, who entered into India on or before the 31st day of December, 2014 as a result of religious and ethnic persecution, shall not be treated as illegal migrants for the purpose of this Act;”.

3. In the Third Schedule to the principal Act, in clause (d), for the existing proviso, the following proviso shall be substituted, namely:—

Amendment
of the Third
Schedule.

“Provided that for the person belonging to Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka, who entered into India on or before the 31st day of December, 2014 as a result of religious and ethnic persecution, the aggregate period of residence or service of Government in India as required under this clause shall be read as “not less than five years” in place of “not less than eleven years”.”

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 population has been happening continuously between the territories of India and the neighbouring countries including Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka. Many people belonging to different religious and ethnic groups face religious persecution and torture in these countries. This includes non-religious persons and atheists as well. Many such persons have fled to India to seek shelter and continued to stay in India even without complete travel documents or after expiry of the validity of such documents. They are then treated as illegal migrants.

Therefore, the proposed Bill seeks to grant immunity to these victims of religious or racial persecution irrespective of their religion, caste and sect so that any proceeding against them on the basis of their status of migration or citizenship does not bar them from applying for Indian citizenship.

Hence, this Bill.

SANDOSH KUMAR P.

Bill No. XXXIV of 2024

A Bill to provide for the establishment of a National Commission for the Preservation of Endangered Languages and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Commission for the Preservation of Endangered Languages Act, 2024. 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 this Act, unless the context otherwise requires,— Definitions.

(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 National Commission for the Preservation of Endangered Languages established under section 3;

(c) "endangered languages" means any languages in the country, which are at risk of extinction or becoming obsolete due to declining native speakers, limited inter-generational transmission, significant external cultural or linguistic pressures, such as the shifting of speakers to other languages and significant decrease in domains of use and are notified as such by the Central Government under section 4 of this Act;

(d) "member" means a Member of the National Commission for the Preservation of Endangered Languages; and

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

National
Commission
for the
Preservation
of Endangered
Languages.

3. (1) The Central Government shall, within a period of one year from the date of commencement of this Act, by notification in the Official Gazette, establish a Commission to be known as the National Commission for the Preservation of Endangered Languages to exercise the powers conferred upon and to perform the functions assigned to it, under this Act.

(2) The headquarters of the Commission shall be at New Delhi.

(3) The Commission shall have the power to regulate its own procedure.

(4) The Commission shall consist of the following: -

(i) a Chairperson, to be appointed by the Central Government, having specialised knowledge and remarkable experience in the field of preserving endangered languages and related activities;

(ii) four Members, to be nominated by the Central Government, from amongst persons of ability, integrity and standing who have extensive professional experience in,—

(a) language vitality and endangerment;

(b) organisations and institutions working for the preservation of endangered and indigenous languages;

(c) conceptualising and developing innovative projects for endangered language revitalisation with the support of digital technologies; and

(d) language policies of the Central Government and State Governments.

(iii) one officer of the Indian Administrative Service, to be nominated by the Central Government, having at least ten years of professional experience in the management of matters related to endangered languages - Member Secretary.

(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members of the Commission shall be such as may be prescribed by the Central Government.

(6) The Chairperson and every Member of the Commission shall hold office for such period, not exceeding four years as may be specified by the Central Government in this behalf.

Secretariat of
the
Commission.

4. (1) The Commission may appoint such number of officers and staff and experts as it may consider necessary for the efficient discharge of its functions under this Act.

(2) The mode of recruitment, the salary and allowances payable to, and other terms and conditions of service of the officers and staff of the Commission and experts appointed under sub-section (1) shall be such as may be prescribed.

5. The Central Government shall, upon the advice of the Commission, notify languages that are at risk of becoming endangered as 'Endangered Languages' in the Official Gazette.

Notification of Endangered Languages.

6. The Commission shall perform all or any of the following functions, namely, to—

Functions of the Commission.

(i) function as an apex authority for ensuring the preservation and development of endangered languages in the country;

(ii) identify endangered languages in the country and conduct a detailed assessment to analyse the degree of endangerment of each language;

(iii) formulate a comprehensive national policy for revitalising and developing all the endangered languages in the country, and design a strategic action plan, guidelines for implementation, and monitoring and evaluation activities for the preservation of endangered languages based on the national policy framework;

(iv) support the efforts of the native speakers of endangered languages to reclaim, revitalise, maintain and strengthen their language and culture in a meaningful manner;

(v) perform such functions regarding the formulation and implementation of schemes for the preservation of endangered languages as may be assigned to it by the appropriate Government;

(vi) coordinate with various Government departments both of the Central and State Governments as well as other institutions and organisations working in this field for creating technological tools, educational materials and permanent records of endangered languages including audio and video records of the native speakers, dictionaries, lexicons and grammar of the languages for the purpose of maintenance and transmission;

(vii) conduct in-depth research and suggest to the appropriate Government better ways of ensuring the preservation of endangered languages in the country;

(viii) advise the appropriate Government in matters related to the promotion of endangered language learning and preservation of indigenous cultural activities in order to increase the number of endangered language speakers;

(ix) support the institutions, organisations and individuals who are engaged in the promotion and preservation of endangered languages in the country;

(x) enquire into any complaints concerning the deprivation of the rights of people speaking endangered languages and to recommend to the appropriate Government the action to be taken in such matters;

(xi) act as a national-level grievance redressal mechanism in matters related to endangered language development and preservation of the welfare and empowerment of native speakers of the endangered languages; and

(xii) advise the appropriate Government on such matters arising out of the administration of this Act or as may be referred to it by the appropriate Government, from time to time.

7. The Commission shall, while investigating any matter referred to it under clauses (x) and (xi) of section 6, have all the powers of a Civil Court trying a suit and, in particular in respect to the following matters, namely,—

Commission to have powers of Civil Court.

(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 commission for the examination of witnesses and documents;
- and
- (f) any other matter which may be prescribed.

Appropriate Government to consult the Commission.

8. The appropriate Government shall consult the Commission on all policies affecting the preservation of the endangered languages in the country.

Endangered Languages Fund.

9. (1) The Central Government shall, by notification in the official Gazette, constitute a Special Fund to be known as the Endangered Languages Fund to implement the provisions of this Act;

(2) The Central Government and the State Governments, shall from time to time, after due appropriation made in this behalf by the Parliament or the respective State Legislature by law, contribute such sums of money to the Endangered Language Fund, in such ratio as may be prescribed.

(3) The Fund shall be administered by the Commission.

Annual Report of the Commission.

10. (1) The Commission shall prepare every year, in such form and within such time as may be prescribed by the Central Government, an annual report giving a true and full account of its activities during the previous year including audited annual statement of accounts and copies thereof shall be forwarded to the Central Government.

(2) The President shall cause to be laid before each House of Parliament the report submitted by the Commission under sub-section (1) along with a memorandum explaining the reasons for not accepting any of the recommendations made therein, within a period of one year from the date of receipt of such report.

(3) Where the report or any of its part is related to any of the issues connected with the State Government, a copy of such report shall be forwarded to the Governor of that State, who shall in turn, cause to be laid before the State legislature concerned, such report along with an explanatory memorandum concerned with the action taken or proposed to be taken on the recommendations related to the State, if any, and reasons for not accepting any of the recommendations made therein, within a period of one year from the date of receipt of such report. .

Act not in derogation of any other law.

11. 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.

Act to have an overriding effect.

12. 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 remove Difficulties.

13. 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

Power to make rules.

14. (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 by the Central Government 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 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

People's ability and freedom to use their native language is essential for human dignity and peaceful co-existence. Language is a systematic form of communication. It facilitates meaningful interactions with one another, enables cultural expressions in a variety of forms, as well as the transmission of centuries-long knowledge, history, world views, beliefs, and traditions. When the State fails to guarantee the 'right to use one's own language', it seriously limits the boundaries of the freedom of thought and expression enshrined in the Universal Declaration of Human Rights (1948) and the Fundamental Rights guaranteed in the Indian Constitution. Hence, it is critical to protect and preserve all the languages irrespective of the number of speakers. Realising the alarming rate of the disappearance of indigenous languages at the global level, UNESCO has already declared the decade of 2022-2032 as the International Decade of Indigenous Languages.

An 'endangered language' is one that is likely to become extinct in the near future. As per census 2011, more than 19,500 languages or dialects are spoken in India as mother tongues, while only 121 languages are spoken by 10,000 or more people. This shows the quantum of endangered languages in our country. Many languages are falling out of use and are being replaced by others that are more widely used in the region. Unless current trends are reversed, these endangered languages will become extinct soon. Many other languages are no longer being learned by new generations of children or by new adult speakers. Hence, these languages will become extinct when their last speaker dies. In fact, dozens of languages today have only one native speaker still living, and that person's death will mean the extinction of the language.

According to the Peoples Linguistic Survey of India, India has already lost 250 languages during the last 50 years. Although successive Governments have undertaken many programmes at the national and state level to conserve the endangered languages, these efforts are not sufficient for protecting and preserving the vulnerable languages in the country. There is an urgent need to understand the gravity of the problem at the national level and formulate a proactive action plan to preserve these endangered languages. Therefore, establishment of a National Commission for the Preservation of Endangered Languages is perceived as the most effective and pragmatic policy initiative to revive, preserve and develop the endangered languages in the country.

Hence, this Bill.

SANDOSH KUMAR P.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Commission for the Preservation of Endangered Languages and appointment of a Chairperson, Members, Member Secretary to the Commission. Clause 4 provides for the appointment of officers and staff and experts to assist the Commission in the efficient discharge of its functions. Clause 5 provides that the Commission shall conduct in-depth research to suggest to the Government better ways of ensuring the preservation of endangered languages in the country as well as support the institutions, organisations and individuals who are engaged in the promotion and preservation of endangered languages in the country as part of its functions. Clause 9 provides for the constitution of an Endangered Language Fund to which the Central and State Governments shall contribute in such ratio as may be prescribed.

The Bill, therefore, if enacted, would involve both recurring and non- recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 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. XXXV of 2024

A Bill to provide for the establishment of a National Artificial Intelligence Technology Regulatory Authority for the regulation and monitoring of the use of Artificial Intelligence and related technologies in the country and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Artificial Intelligence Technology Regulatory Authority Act, 2024.

Short title and
commence-
ment.

(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) "AI" means Artificial Intelligence, i.e., a constellation of technologies that enable machines to act with higher levels of intelligence and emulate the human capabilities of sense, comprehension and actions;

(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 Artificial Intelligence Technology Regulatory Authority constituted under section 3;

(d) "deep fake" means artificial media that has been digitally altered to replace a person's face or body or sound with that of another;

(e) "deep learning" means a method in AI that teaches computers to process data in a way that is inspired by the human brain;

(f) "IT" means Information Technology;

(g) "machine learning" means a field of study in AI related to the development and study of statistical algorithms that can learn from data and generalise to unseen data and thus perform tasks without explicit instructions;

(h) "member" means a Member of the Authority constituted under section 3; and

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

Constitution
of the
National
Artificial
Intelligence
Technology
Regulatory
Authority.

3. (1) The Central Government shall, with effect from such date as it may by notification in the Official Gazette appoint, constitute an Authority to be known as the National Artificial Intelligence Technology Regulatory Authority to exercise the powers conferred on and to perform the functions assigned to it, under this Act.

(2) The headquarters of the Authority shall be at New Delhi.

(3) The Authority may establish its offices at such other places within the country, as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following: —

(i) a Chairperson having specialised knowledge and extensive experience in the AI landscape, to be appointed by the Central Government;

(ii) two Members, to be nominated by the Central Government, from amongst persons of ability, integrity and standing, who have extensive professional experience—

(a) in understanding the various risks associated with AI, Machine learning and deep learning;

(b) of working in organisations and institutions involved in the ethical deployment of AI and related technologies;

(c) in conceptualising and developing innovative and ethically responsible projects using AI;

(d) in understanding the IT policies of State and Central Governments; and

(e) in understanding the future threats of AI in replacing human jobs;

(5) The Chairperson and every Member of the Authority shall hold office for such period, not exceeding four years, as may be specified by the Central Government in this behalf.

(6) The Central Government shall, from time to time, appoint such number of officers and staff including experts to the Authority, as may be required to assist it in its efficient functioning, in such manner as may be prescribed.

(7) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, Members, officers, staff and experts of the Authority shall be such as may be prescribed.

(8) The Authority shall have the power to regulate its own procedure.

4. (1) The Authority shall perform all or any of the following functions, namely, to—

Duties and
functions of
Authority.

(a) function as an apex authority for regulating and monitoring the deployment of AI and related technologies in the country;

(b) design a monitoring and regulatory landscape for the adaptation of AI technology based on the principles of (i) safety, security and robustness; (ii) transparency and ethics; (iii) accountability; and (iv) equality and fairness;

(c) identify the key privacy challenges of AI technology including the bias challenge, privacy challenge, misinterpretation challenge, employment loss challenges and other related issues in order to control and minimise the potential risks to human life;

(d) formulate a comprehensive national policy for regulating the dissemination of AI technology in the country; design a strategic action plan and guidelines, and monitoring and evaluation activities for leveraging the benefits of AI technology as well as mitigating the ethical risks arising out of it;

(e) perform such functions regarding the formulation and implementation of schemes and projects for creating awareness among the people about the prospects and risks of AI;

(f) coordinate with various Government departments for cross-sector risk assessment, supporting innovators and identifying the loss of human labour;

(g) support the institutions, organisations and individuals who are engaged in the development of ethical and responsible AI tools;

(h) identify a set of high-risk application of AI, and prohibit all the AI and deep fake activities that are associated with unacceptable risks;

(i) enquire into any complaints concerning the deprivation of rights of workers as a result of replacing human labour with AI and act as a national-level grievance redressal mechanism in matters related to AI, machine learning and deep fake;

(j) advise the appropriate Government in any other matter as may be referred to it, from time to time; and

(k) perform such other functions, as it may consider necessary, for implementation of the provisions of this Act and any other matters incidental to the above functions.

5. The Authority shall, while investigating any matter referred to it under clause (j) of section 4, have all the powers of a Civil Court in trying a suit and, in particular, in respect of the following matters, namely: —

Authority to
have powers
of Civil
Court.

(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 commission for the examination of witnesses and documents;
- and
- (f) any other matter which may be prescribed.

Appropriate Government to consult the Authority.

6. The appropriate Government shall consult the Authority on all policies affecting the application and deployment of AI and related technologies.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Authority, as it may think fit, for carrying out the purposes of this Act.

Accounts and Audit.

8. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority, as audited and certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the Authority to the Central Government, which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

Annual Report of the Authority.

9. (1) The Authority shall prepare every year, in such form and within such time as may be prescribed by the Central Government, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government.

(2) The Central Government shall cause to be laid before each House of Parliament, the annual report along with a memorandum of action taken or proposed to be taken on the recommendations of the Authority and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

(3) Where the report or any of its part is related to any of the issues connected with the State Government, a copy of such report shall be forwarded to the Governor of that State, who shall in turn, cause to be laid before the State legislature concerned, such report along with an explanatory memorandum concerned with the action taken or proposed to be taken on the recommendations related to the State, if any, and reasons for not accepting any of the recommendations made therein, within a period of one year from the date of receipt of such report.

Act not in derogation of any other law.

10. 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.

Act to have an overriding effect.

11. 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 remove difficulties.

12. 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 such difficulty.

Power to make rules.

13. (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 by the Central Government 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 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

Artificial intelligence (AI) presents big opportunities and potential risks for the countries around the globe. The transformative effect of AI on commerce, government service delivery and human interactions can hardly be ignored in India as well. Realizing the future prospects and risks of AI, the NITI Aayog released two major documents in 2018 and 2021 - the National AI Strategy and the Principles of Responsible AI. Since India stands at a unique position to leverage such emerging technologies for dynamic growth, the Government has taken a proactive approach toward developing frameworks for ethical and responsible deployment of AI systems.

Nevertheless, AI continues to develop rapidly with new tools being released on a regular basis capable of increasingly sophisticated tasks. The sophistication of these tools and their capabilities to generate highly realistic imagery has raised concerns over the long term social and political impact of AI. With the advent of deep learning and deep fake, world over Governments are seeking to address the issues of regulating AI. These digitally falsified media have the potential to harm reputations, fabricate evidence, and erode trust in institutions due to their hyper-realistic nature. Besides, the AI is replacing human labor with machines at a faster rate. This has seriously affected the livelihood of large number of people.

Against this context, the EU and Canada had already initiated regulations to control and monitor the use of AI. But India currently lacks specific regulatory mechanism that directly addresses generative AI, deep fakes, and AI-related crimes. While the existing guidelines list good practices and steer towards a vision for responsible AI, they are not legally binding. Therefore, there is a need for establishing a specific authority that is empowered to regulate, monitor and control the use of AI in an ethical manner without affecting its innovative potentials. The rapid advancement and proliferation of AI technologies necessitate the establishment of a robust regulatory framework to ensure the ethical, transparent, and accountable use of AI in the Country. The Bill seeks to create a dedicated Authority, namely, the National Artificial Intelligence Technology Regulatory Authority (NAITRA), which shall have powers of a civil court, to oversee the regulation and monitoring of the use of AI and related technologies in the country. The Authority will be empowered to set standards, monitor compliance, promote research and it is envisaged that the creation of the Authority, would certainly address the issue of ethical regulation of AI in the country substantially.

Hence, this Bill.

SANDOSH KUMAR P.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Artificial Intelligence Technology Regulatory Authority to carry out the responsibilities assigned to it. It also provides for the headquarters of and appointments of a Chairperson, Members, officers, staff and experts to the Authority as well as the provision of salary and allowances to them. Clause 4 provides for the duties and functions of the Authority. Clause 7 provides that the Central Government shall provide adequate funds to the Authority.

The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 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.

P.C. MODY,
Secretary-General.