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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.

LOK SABHA

The following Bills were introduced in Lok Sabha on 5th August, 2025:—

BILL No. 54 OF 2025

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

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

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2025.

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.

35 of 2009.

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

Amendment of section 2.

(a) after clause (i), the following clause shall be inserted, namely:—

“(ia) ‘National Right to Education Fund’ means the National Right to Education Fund established under section 34A.”.

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

“(qa) “State Right to Education Fund” means the State Right to Education Fund established under section 34B.”.

(c) after clause (n), the following clause shall be inserted, namely:—

“(na) “non-compliant school” means school who fails to abide by the provisions of clause (c) of sub-section (I) of section 12.”

Amendment of
section 12.

3. In section 12 of the principal Act—

(a) in sub section (I), in clause (c), for the words, “at least twenty-five per cent.”, the words “minimum twenty-five per cent.”, shall be substituted.

(b) after sub-section (2), the following sub-section shall be inserted, namely:

“(2A) Every school shall prepare and submit an annual compliance report,—

(a) in case of each school under State Government with the District Collector within whose territorial jurisdiction it fall before the completion of an Academic Year, after which the said District Collector shall forward the said report to the respective Ministry of the State Government concerned who shall compile an annual report and then forward the same to the Union Ministry of Education on an annual basis; and

(b) in case of each school under the Central Government to the Union Ministry of Education before the completion of an Academic year who shall then submit a compilation of the same to the Union Ministry of Education which shall be laid along with a compilation of the reports as submitted by respective State Governments under clause (a) of sub-section (2A).

(2B) If any school fails to abide by provisions of clause (c) of sub-section (I) of section 12, the name of the school shall be mentioned to a public list of ‘non-compliant schools’ and then:

(a) in the first instance, the said school shall pay a penalty of ten times the admission fees for an academic year of the total number of prospective students who would have been given admission in order to fulfil the directives under clause (c) of sub-section (I) of section 12 and deposited as under:

(i) in case of the school being recognised by the State Education department to the respective State Right to Education Fund established under section 34B; and

(ii) in case of the school being under Central or any other authority, to the National Right to Education Fund established under section 34A;

(b) at the second instance, the said school shall pay a penalty of twenty times the admission fees for an academic year of the total number of prospective students who would have been given admission in order to fulfil the directives and deposited in a manner mentioned under sub-clauses (i) or (ii) of clause (a) of section 12B.

(c) in case of further non-compliance, such schools shall be reviewed by recognised authorities under the Act and shall be de-recognised for continued non-compliance provisions of Section of clause (c) of sub-section (I) of section 12.”.

4. After Chapter V of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:

Insertion of new Chapter VA.

“Chapter VA

Establishment, Management and Utilisation of National and State Right to Education Fund

34A. (1) The Central Government shall, by notification in the official Gazette, constitute a Fund, hereinafter referred to as the National Right to Education Fund to whom shall be credited,—

Establishment of National Right to Education Fund.

(a) amounts as collected from schools under sub-section (ii) of clause (a) and sub-section (ii) of sub-section (2B) of section 12;

(b) any income from investment from the amount credited in the National Right to Education Fund; and

(c) any other such amount, donations, transfers as mandated under the Act or otherwise credited to the National Right to Education Fund.

(2) The National Right to Education Fund shall be monitored by an authority, hereinafter referred to as the National Right to Education Fund Monitoring Authority consisting of the following, namely:

(a) Union Minister for Education, *ex officio* – Chairperson;

(b) Union Minister of State for Social Justice and Empowerment, *ex officio* - Deputy Chairperson;

(c) Union Minister of State for Tribal Affairs, *ex officio* - Deputy Chairperson;

(d) Secretary, Department of School Education and Literacy under Ministry of Education- *Ex-officio* Convenor;

(e) Chairperson, National Commission for Scheduled Tribes-*ex-officio* Member;

(f) Chairperson, National Commission for Scheduled Castes-*ex-officio* Member;

(g) Chairperson, National Commission for Protection of Child Rights-*ex-officio* Member;

(h) Economic Advisor, Department of Education and Literacy-*ex-officio* Member;

(i) five Members of Parliament of the House of the People belonging to the Scheduled Castes or the Scheduled Tribes community appointed for a period of two years to be nominated by the Speaker, House of the People, as per the procedure established;

(j) five experts in the field of education, child rights and literacy to be appointed by the Central Government for a term of five years-Members.

(3) The members of the National Right to Education Fund Monitoring Authority shall face disqualification on the following grounds,—

(a) has been convicted and sentenced to imprisonment by a competent court; or

(b) is of moral turpitude; or

(c) is an undischarged insolvent; or

(d) is of unsound mind so declared by the competent court;

(e) has, in the opinion of the Central Government, such financial or other interest in the National Authority or any State Authority as is likely to affect the duties discharged by him of his function as a member.

(4) The salary and allowance payable to and other terms and condition of service of members appointed under clause (j) of sub-section 2 shall be such as may be prescribed.

(5) The functions of the National Right to Education Fund Monitoring Authority shall be such as may be prescribed.

34B. (1) Every State Government shall, by notification in the official Gazette, constitute a fund, to as the (Name of State) Right to Education Fund to which shall be credited to this Fund,—

(a) amounts as collected from schools under sub-clause (i) of clause (a) and sub-section (i) of clause (b) of sub-section (2B) of section 12;

(b) any income from investment from the amount credited in the State Right to Education Fund;

(c) any other such monies, amount, donations, transfers as mandated under the Act or otherwise credited to the Fund by recognised authorities under the Act.

(2) The State Right to Education Fund shall be monitored by an authority, hereinafter referred to as the State Right to Education Fund Monitoring Authority consisting of the following individuals, namely:

(a) State Minister for Education- *ex officio* – Chairperson;

(b) State Minister for Social Justice and Empowerment or its equivalent- *ex officio* - Co- Chairperson;

(c) State Minister for Tribal Affairs or equivalent- *ex officio* – Co Chairperson;

(d) Secretary, State Department of School Education and Literacy- *ex-officio* Convenor;

(e) Chairperson, State Commission for Scheduled Castes and Scheduled Tribes- *Ex-officio* Member;

(f) Chairperson, State Commission for Protection of Child Rights- *ex-officio* Member;

(g) Economic Advisor, State Department of Education and Literacy- *ex-officio* Member;

(h) five members of Legislative Assembly, three from the Scheduled Castes and two from Scheduled Tribes appointed for a period of two years, nominated by the concerned Speaker of the Assembly concerned-as per established procedure;

(i) five experts in the field of education, child rights and literacy appointed by the State Government for a term of five years as Members.

(3) The members of the above specified Committee shall face disqualification on the following grounds:

(a) has been convicted and sentenced to imprisonment by a competent court; or

(b) is of moral turpitude; or

(c) is an undischarged insolvent; or

(d) is of unsound mind and stands so declared by the competent court;

(e) has, in the opinion of the State Government, such financial or other interest in the concerned State Welfare and Education as is likely to affect the duties discharged by him of his function as a member.

(4) The salary and allowance payable to and other terms and condition of service of members appointed under clause (i) of sub-section 2 shall be such as may be prescribed.

(5) The functions of the State Right to Education Fund Monitoring Authority shall be such as may be prescribed.

34C. (1) All sums credited to the National Right to Education Fund and State Right to Education shall be utilised by the National Right to Education Fund Monitoring Authority and the State Right to Education Monitoring respectively for the following four purposes:

Disbursement and Utilisation of National RTE Fund and State RTE.

(a) school infrastructure including hygienic washrooms particularly for female students and staff, ramps and other such provisions for disabled students and potable water filters;

(b) teacher training to carry out and provide teacher training programs for the benefit of teachers across schools in India and provide for their continuous development for the benefit of teachers;

(c) development of scientific temperament amongst students to provide students of all age groups access to literature, equipment and laboratories to develop scientific temperament and thought; and

(d) scholarships, sports and training equipment to provide students with sports and training infrastructure along with educational/artistic and sports-oriented scholarships for supporting their all-round development.

34D. The Central Government and respective State Governments shall prepare and maintain proper accounts of all transportation and other relevant records in relation to the National RTE Fund and the State RTE Fund and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.”

Accounting and Audit of the National RTE Fund and State RTE Fund.

STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 represents a pivotal step towards guaranteeing the fundamental right of every child to free and compulsory education. This landmark legislation mandates, the provision of high-quality education to all children within the age bracket of six to fourteen years.

While the existing Act was introduced to give access to the schooling system to all children as a fundamental right, such access is largely available in government schools, even in rural areas, section 12 (1) (c) goes as step further to give access to quality education that is available in unaided school.

However, this provision in the Act was grossly and comprehensively not complied with. Therefore, there is an imperative need to address the same and hence this Bill has been proposed to bring the tenements of the original legislation to fruition.

The proposed Bill not only provides for stringent action against schools at fault for not implementing section 12 (1) (c) of the RTE Act, it also intends to introduce a fund at the national and State level to increase financial support towards India's education sector and the National and State Right to Education Fund are primarily concerned with the development of schools, teacher training programs, developing a scientific temperament and thought amongst the future generations and potential scholarships along with sports infrastructure for their all round development.

The Right to Education Act, while providing access to education to millions, is also empowering them to participate in nation building. To fully harness its potential, it is imperative to strengthen its implementation through rigorous enforcement, enhanced awareness, and active community participation. By adopting these measures, we can ensure that every child in India has the opportunity to receive a high-quality education.

Hence this Bill.

NEW DELHI;
January 20, 2025

KRISHNA PRASAD TENNETI

FINANCIAL MEMORANDUM

Clause 4 of the Bill *vide* proposed section 34A provides for constitution of National Right to Education Fund by the Central Government. It also provides for establishment of National Right to Education Fund Monitoring Authority by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

Bill No. 156 of 2025

*A Bill further to amend the Constitution
of India.*

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

1.(1) This Act may be called the Constitution (Amendment) Act, 2025.

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 article shall be inserted,
namely:—

Insertion of new
article 21B.

**“21B. The State shall secure the right to safer roads to all citizens by
adopting and enforcing comprehensive measures including emergency
medical and trauma facilities for road safety and prevents road traffic
injuries and fatalities in such manner as the State may by law, determine.”.**

Right to safer
roads.

STATEMENT OF OBJECTS AND REASONS

Road safety and fatalities resulting from it is a critical public concern in India, with the nation experiencing an alarming rate of road crashes and fatalities that far exceed many other public health crises. With over 1.68 lakh lives lost annually from road crashes, this poses a significant threat to the right to life and personal liberty, as guaranteed under Article 21 of the Indian Constitution. India has pledged to achieve SDG 3.6, that is, to reduce road crashes and deaths by 50 per cent by 2030. This singular issue of unsafe roads takes more lives than HIV and Malaria combined in India.

Further, the 2022 Road Accidents in India Report reveal that approximately 45% of the accidental deaths in the country, amounting to 36.5 lakh people, died without receiving any medical attention, this is a stark reminder of the urgent need to address the deficiencies in our current healthcare infrastructure. The 2021 report of NITI Aayog and AIIMS found that 30% mortalities were due to delayed emergency care, 98.5% of ambulance runs were made only transporting dead bodies, 90% of ambulances were functioning without any equipment/oxygen, 95% of ambulances had untrained personnel and most ED doctors had no formal training in EMS.

The judiciary has repeatedly underscored the criticality of road safety and trauma care. In *Ratan Singh vs. State of Punjab* (1980 AIR 84), the Supreme Court called Indian roads “death traps” and emphasized on the need for stringent road safety measures. In *MC Mehta vs. Union of India* (13029 of 1985), the Court noted road safety as the fundamental right to life under Article 21, emphasizing that public safety measures should override individual rights when necessary. Similarly, on its own motion *vs. State of NCT of Delhi* [WP (CRL) 878/2007] the Delhi High Court took proactive steps to phase out dangerous Blue Line buses highlighting the precedence of the right to life (Article 21) over the right to conduct business [Article 19(1)(g)], emphasizing that public safety and the right to life are paramount. In *Pt. Parmanand Katara vs. Union of India* (1989) and *Paschim Banga Khet Mazdoor Samity & others vs. State of West Bengal & Another*, the court has interpreted emergency medical care as a right under Article 21.

Despite these judicial pronouncements, the enforcement of road safety measures and development of a comprehensive trauma care framework remains inconsistent, and existing laws have not adequately curbed the growing menace. The courts have also emphasized that legislative and policy measures are imperative to address the systemic issues effectively. Therefore, the proposed bill seeks to recognize the Right to Safer Roads and Right to Trauma Care as a fundamental right for every citizen of India. Establishing this right will mandate that road safety is given paramount importance, not merely as a matter of policy but as an enforceable constitutional guarantee.

Hence this Bill.

NEW DELHI;
January 3, 2025.

KRISHNA PRASAD TENNETI

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed article 21B provides for right to safer roads to all citizens by adopting and enforcing comprehensive measures that guarantee road safety and prevent road traffic injuries and fatalities. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifteen thousand five hundred crore per annum.

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

Bill No. 167 of 2025*A Bill further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

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 article 243G of the Constitution for the words, “economic development and social justice”, the words, “economic development, spatial planning and social justice”, shall be substituted.

Amendment of
article 243G.

3. In the Eleventh Schedule to the Constitution,—

Amendment
of the
Eleventh
Schedule.

(a) in entry (2), for the words, “and soil conservation”, the words, “soil

conservation, regulation of land use and construction of buildings”, shall be substituted;

(b) in entry 23, for the words, “primary health centres and dispensaries”, the words, “primary health centres, dispensaries and solid waste management”, shall be substituted; and

(c) after entry 29, the following entry(s) shall be inserted, namely:—

“30. Rural planning.

31. Planning for economic and social development.

32. Fire services.”.

STATEMENT OF OBJECTS AND REASONS

India had more than 6,49,481 villages with a population of 83 per cent. of the total India's population in 2011. In fact, the Census of India 2011 enumerated a total of 3894 Census towns, which are villages but had all the characteristics of urban area. Researchers projected this Census Towns will grow upto 17.93 million with an additional 2231 Census Towns in 2021.

The 73rd Constitutional Amendment Act of 1992, mentions about the responsibility of Gram Panchayats, to prepare the social, economic and resource plans for rural areas, but not preparation of spatial plans. Spatial plans are prepared for urban areas popularly known as Master or Development Plans and notified under the respective State Town and Country Planning Acts. These Acts in their title include Country Planning, but in reality, there is rarely provision for preparing Development Plans for village. Many of the States do not even mention about the rural spatial planning in the respective Town and Country Planning Act.

Therefore, the rural areas are devoid of planned spatial development. The absence of planned spatial development in rural areas, especially in peri-urban areas, and in major highway corridors, has major impact on regional development and within the Metropolitan areas as well. Lack of access to basic infrastructure (social, economic and physical) without spatial planning leads to high cost of urbanization and retrofitting for provision of services at a later stage.

Some States have come out with rules and regulations to bring about planned spatial development supported under RURBAN Mission, MANCHITRA and SVAMITVA schemes. It is imperative to provide statutory backing to planned spatial development of rural areas.

Well-designed rural communities & areas are places where people want to live and invest in the future. The proposed Bill would enable, holistic and cohesive planned spatial development in the rural areas which house over two-thirds of the country.

Hence this Bill.

NEW DELHI;
July 4, 2025.

BACHHAV SHOBHA DINESH

Bill No. 78 of 2025

A Bill to provide for the protection of healthcare professionals and clinical establishments from violence, harassment, and damage or loss to property in the course of their duty and for matters connected therewith or incidental thereto.

WHEREAS, acts of violence causing injury or danger to life of healthcare professionals and damage or loss to the property of clinical establishments are on the increase in the country creating unrest among healthcare professionals resulting in hindrance to healthcare services in the country;

AND WHEREAS, to protect healthcare professionals and clinical establishments from violence, it has become necessary to prohibit such acts of violence, to provide for punishment by making such acts of violence as cognizable and non-bailable offence and to provide compensation for injury to healthcare professionals or for causing damage or loss to the property of clinical establishments;

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

Short title,
extent and
commencement.

1. (1) This Act may be called Healthcare Professionals and Clinical Establishments (Prevention of Violence) Act, 2025.

(2) It extends to the whole of India.

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

Definitions.

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

(a) “by-stander” means an observer, on-looker, spectator or any other person ordinarily present at ‘*locus-delicti*’ irrespective of his affinity to the doctor, medical professional or the medical institution in question; and suffers any loss or damage by virtue of his presence at the place of offence;

(b) “clinical establishment” means the clinical establishment as defined under clause (c) of section 2 of the Clinical Establishments (Registration and Regulation) Act, 2010;

(c) “damage” includes loss or harm to property, whether in whole or in part, without taking possession of the property that renders it inadequate for its designated purpose or wholly or partially incapable of performing its function;

(d) “healthcare professional” means a registered medical or dental or alternative medicine practitioners including those having provisional registration by any recognized body by the Government of India as well as all those persons who practice or profess services associated to medical profession including those of nurses, radiologists, technicians, medical social workers, pharmacists, medical administrators, para-medical staff and practitioners including those seeking or imparting medical education, as the case may be;

(e) “patient” means any recipient of healthcare services;

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

(g) “property” means any property movable or immovable, medical equipment or machinery; owned by or in possession of or under the, control of any healthcare professional or clinical establishment; and

(h) “violence” means includes any of the following acts committed by any person or persons against healthcare professional in the course of their duty, which causes, may cause or attempts to cause,—

(i) physical or mental harm, injury, intimidation, threat to life, including verbal abuse;

(ii) acts inciting online or digital harassment, including doxxing, trolling, threats, or coordinated campaigns inciting violence;

(iii) endangers the safety of or causes obstruction or hindrance to any healthcare professional in discharge of their duties either within the premises of a healthcare institution or otherwise; and

(iv) loss or damage to any property or documents in the custody of, or in relation to, such healthcare professional or clinical establishment.

Prohibition
of violence or
damage to
property.

3. No person shall indulge in any act of violence against a healthcare professional or cause any damage or loss to property owned by or under the care of healthcare professional or in connection with or incidental to their activities in a clinical establishment.

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

Cognizance of offence.

5. (1) Whoever, commits or attempts to commit or abets or incites the commission of any act of violence in infringement of the provisions of section 3, shall be punished with imprisonment which shall not be less than three years but which may extend up to ten years and with fine which shall not be less than rupees fifty thousand but which may extend upto rupees twenty lakh in addition to recovery of the entire damage to the property or belonging of all concerned including the by-standers if any, in actual.

Penalty and compensation.

(2) Whoever, commits or attempts to commit or abets or incites the commission of any act of violence causing grievous hurt or death of healthcare professional, shall be punished with imprisonment which shall not be less than seven years but which may extend to life imprisonment, and with fine which shall not be less than rupees five lakh but which may extend upto rupees fifty lakh in addition to recovery of the entire damage to the property or belonging of all concerned including the by-standers if any, in actual.

(3) If the convicted does not pay or is financially incompetent to pay the penalty at that time it shall be recovered as if it were an arrear of land revenue under the Revenue Recovery Act, 1890.

1 of 1890

6. Where it is established at any stage that no violation of the provisions of this Act was committed and the charge levied against the accused was false and malicious, the person levelling such false charge shall be prosecuted under the relevant provisions of the Bhartiya Nyaya Sanhita, 2023.

Punishment for false charge.

45 of 2023

7. In addition to any other responsibility of a clinical establishment or a healthcare professional under any law for the time being in force, it shall be the responsibility of each clinical establishment to,—

Responsibilities of clinical establishments.

(a) take all necessary measures to prevent violence and harassment against healthcare professionals in the course of their duty, which includes measures such as to install CCTV surveillance, emergency alarms, trained security personnel, or other such security measures;

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

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

8. The Central Government shall, —

(a) establish a National Helpline for reporting violence against healthcare professionals and clinical establishments;

Measures for supporting healthcare professionals.

(b) create awareness about mental health and illness and for reducing the stigma associated with mental illness among healthcare professionals;

(c) encourage healthcare professionals to seek support and care for their mental health, to help such professionals identify risk factors associated with suicide and mental health conditions, and to help such professionals learn to respond to such risks, with the goal of preventing suicide and mental health conditions under the Mental Healthcare Act, 2017;

(d) set up peer support groups among healthcare professionals and provide mental healthcare and follow-up services, as appropriate; and

(e) conduct a review on improving healthcare professionals' mental health and the outcomes of programs authorized under this Act.

Act to have overriding effect.

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

Act to supplement other laws.

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.

Central Government to provide funds.

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

Power to remove difficulties.

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

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

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

Power of Central Government to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Access to quality health services is a right of every Indian citizen, with investments made in medical education, and medical facilities. Since independence, health services have made tremendous progress in India. India's healthcare workforce has already exceeded 6 million as of 2024, and anticipated to experience further growth. Yet the issues faced by the healthcare workers: doctors, nurses and medical practitioners alike, have been rarely addressed. The Indian healthcare workforce is in a state of deep crisis, characterised by extremely long working hours, low income, severe lack of safety and general apathy from the public.

The Indian Medical Association (IMA) estimates that 75 percent of all doctors face some form of verbal and physical abuse during their service, with cases of violence severely underreported. High risk of violence makes it difficult for our medical staff to provide care, thereby, reducing healthcare access for the common man. The increasing violence against healthcare professionals must be addressed on a priority basis.

Existing, legislative framework, including the central level and State level laws, including the Bhartiya Nyaya Sanhita, 2023 and Bhartiya Nagarik Suraksha Sanhita, 2023, fail to comprehensively addresses this issue. While 'Health' and 'Law and Order' are State subjects, the Parliament is competent to legislate on matters related to 'Legal, Medical and other professions' as listed in Entry 26, List 3 (Concurrent List) of the Seventh Schedule to the Constitution of India.

This, therefore, necessitates a comprehensive central legislation to provide for safety and security of healthcare professionals in the country.

The proposed Bill would enable for the establishment of a mechanism for the protection and compensation of healthcare professionals who are victims of violence or harassment, and imposes obligation on clinical establishments to prevent and report such incidents.

By creating a framework that prevents violence, supports victims, and holds offenders accountable, this Bill not only enhances the quality of healthcare services but also protects the fundamental rights and safety of those working in the healthcare sector.

Hence this Bill.

NEW DELHI;
July 4, 2025.

BACHHAV SHOBHA DINESH

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for special measures for supporting healthcare professionals such as establishment of a National Helpline for reporting of violence against healthcare professionals and clinical establishments and creating awareness about mental health and illness and reducing the stigma associated with mental illness among healthcare professionals. Clause 11 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of estimated a sum of rupees one hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also 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 this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 26 of 2025

A Bill to constitute an Authority to ensure stabilization of population of cows (Bos indicus) and to suggest such measures to comply with articles 37 and 48 of the Constitution, to ban the slaughter of cows and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Cow Protection Act, 2025.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

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

(a) "Authority" means the National Cow Protection Authority constituted under section 3;

(b) "cow protection" means total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos Indicus and its progeny*);

(c) "gowshalas" means health compliant hygienic comfortable shelters for Indian cow; and

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

Constitution of
National Cow
Protection
Authority.

3. (1) **With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the National Cow Protection Authority consisting of the following members, namely,—**

(a) **Secretary, Department of Animal Husbandary in the Union Ministry of Agriculture—Chairperson, *ex-officio*; and**

(b) **five persons of eminence in the fields of agricultural economics, animal welfare and ancient Indian history or culture—Members**

(2) **The Central Government shall appoint such number of officers and staff as it considers necessary for the function of the Authority.**

(3) **The salary and allowances payable to and other terms of conditions of service of members, officers and staff of the Authority shall be such as may be prescribed.**

Meetings of
the Authority.

4. The Authority shall meet at such time and place and shall observe such rules of procedure with regard to transaction of business at its meetings as may be prescribed by the Central Government.

Functions of
the Authority.

5. (1) The Authority shall discharge such functions as may be necessary to ensure stabilization of the cow population in the country and formulate a comprehensive policy for the purpose within one year after its constitution.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include—

(a) undertaking of a baseline study to collect data about cow population and to formulate a Qualitative Cow Dignity Index (CDI) as may be prescribed which shall be completed within one year of setting up of the Authority;

(b) formulation of schemes to provide for healthy *Bos Indicus* cows and calves;

(c) providing funds to help incentivise adoption of cow and setting up Gowshalas;

(d) making recommendation to the Central Government, deterrent penalties including death penalty, to those who commit offences against cows and not follow the policies framed by the Authority;

(e) framing syllabus for creating awareness about importance of cow protection and development all over the country; and

(f) conducting awareness campaigns about medical imperatives for improving health of *Bos Indicus* cows and progeny.

Annual
Report and its
laying before
Parliament.

6. (1) The Authority shall prepare once every year an annual report in such form, as may be prescribed, giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and statements of annual accounts of the Authority.

(2) A copy of the Report shall be forwarded to the Central Government and the Central Government shall lay the Report before each House of Parliament as soon as it is received and shall also lay the action taken thereon within a period of three months from the date of receipt of the report.

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

Central Government to provide Funds.

8. The Central Government shall on the recommendation of the Authority prosecute any person within the framework of the Bharatiya Nagrik Suraksha Sanhita, 2023 on commuting any offence prescribed by law.

Prosecution for offences.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

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

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organize agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. Article 37 provides *interalia* that the State shall apply these principles (Directive Principles) in making laws. It is, therefore, proposed to enact a uniform central law to constitute an Authority to ensure stabilization of the cow population in the country and to ban the slaughter of cows.

The salient features of the Bill are—

- (i) total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos Indicus*);
- (ii) provision of funds to help incentivise adoption of cow and setting up Gowshalas; and
- (iii) constitution of the National Cow Protection Authority to formulate a comprehensive policy for the stabilization of the cow population within one year after its constitution.

Hence this Bill.

NEW DELHI;
January 22, 2025

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Cow Protection Authority and appointment of officers and staff for this authority. Clause 7 requires the Central Government to provide, requisite funds for carrying out the purposes of this legislation. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure which is likely to be incurred at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 60 of 2025

A Bill for the declaration of the city of Deoghar as the oldest living city of utmost national importance and to provide for the conservation, preservation and maintenance of cultural and natural heritage, heritage of Deoghar and for matters connected therewith or incidental thereto.

WHEREAS the ancient city of Deoghar is one of the oldest living cities in the world and the cradle of Indian civilisation.

AND WHEREAS the ancient city of Deoghar is abounded by thousands of ancient temples and other places of worship which play an important role in the social and cultural fabric of the city.

AND WHEREAS it is considered necessary to take appropriate legal, scientific, technical, administrative and financial measures necessary for the identification,

protection, conservation, preservation and rehabilitation of cultural and natural heritage of the ancient city of Deoghar.

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

Short title and
commencement.

1. (1) This Act may be called the Holy City of Deoghar (Preservation of Cultural Heritage) Act, 2025.

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

Definitions.

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

(a) “appointed date” means such date, as may be notified by the State Government;

(b) “construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally including any reconstruction, repair and renovation of an existing structure or building, or, construction of roadways or waterways, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for other similar facilities for public;

(c) “heritage site” means a cultural heritage site, a natural heritage site, a mixed cultural and natural heritage site or a cultural landscape of outstanding value;

(d) “Deoghar” means the area of Deoghar district in the State of Jharkhand;

(e) “large scale project” means an activity, which concerns construction or reconstruction estimated to cost not less than rupees twenty crores;

(f) “notification” means a notification published in the Official Gazette and the word “notify” shall be construed accordingly; and

(g) “State Government” means the Government of the State of Jharkhand.

Explanation.— For the purposes of this clause,—

(i) “cultural heritage site” shall include,—

(a) monuments, that is to say, architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features which are of outstanding value from the point of view of history, art or science;

(b) buildings, that is to say, separate or connected buildings which, because of their architecture, homogeneity or place in the landscape, are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view;

(c) sites, that is to say, works of man including industrial or railway heritage or the combined works of nature and man and areas including archaeological sites which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view; and

(d) places of religious worship, that is to say, structures more than hundred years old or more, where devotees offer prayers.

(ii) “natural heritage site” shall include,—

(a) natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, conservation or natural beauty;

(b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of science or conservation; and

(c) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding value from the aesthetic or scientific point of view.

(iii) “mixed cultural and natural heritage site” shall include properties which satisfy a part of the attributes of both cultural heritage site and natural heritage site;

(iv) “cultural landscape” includes cultural properties representing the combined works of man and the nature and illustrative of the evolution of human society and settlement over a time, under the influence of the physical constraints and opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal; and

(v) “outstanding value”, in relation to a heritage site, means its cultural or natural significance which is so exceptional as to transcend the boundaries of the place in which it is located and is of great importance for the present and future generations of the country.

3. The Central Government shall, by notification, declare Deoghar as the ‘oldest living city of utmost national importance’, keeping in view the unique stature and importance of Deoghar.

Declaration of Deoghar as the oldest living city of national importance.

4. The Central Government shall Institute a Committee *inter alia* comprising of archaeological experts and scholars for the purpose of identification, conservation and preservation of heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes of outstanding value in Deoghar, in such manner as may be prescribed.

Constitution of Committee for preservation of heritage sites.

5.(1) The Central Government shall maintain a heritage sites roster for Deoghar and make it available on its website for public viewing in such manner as may be prescribed.

Maintenance of a roster of heritage sites.

(2) The Central Government may, keeping in view the national importance of any of the heritage sites, notify such heritage sites and enter the description of such sites in the heritage sites roster in such manner as may be prescribed.

6.(1) All large scale projects and construction, started after the notification of this Act or ongoing at the time of its enactment, shall be stopped with immediate effect pending an evaluation published at an appointed date of their impact on heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes by the Committee constituted under section 4.

Measures to prevent damage to heritage sites.

(2) The State Government shall take all measures, including but not limited to shutting down of polluting industries, revocation of government licenses and stoppage of large scale projects detrimental to conservation, preservation and upkeep of heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes.

Rebuilding and rehabilitation of heritage sites.

7. The local authority shall make all efforts to identify, rebuild and rehabilitate heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes that have been harmed due to large scale projects and construction works undertaken before enactment of this Act.

Central Government to provide funds.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Deoghar, which falls under *Santhal Pargana* region, is an unique and extremely revered site of one of the fifty-one *Shaktipeeths* and also of the *Dwadash Jyotirlinga* in the country. This is a religious and cultural capital of Eastern India which catapults the holy place to an International acclaim and is visited by over five crore pilgrims every year.

The proposed Bill puts forward the demand of lakhs of people of Deoghar as well as crores of other who stand for conservation of our cultural heritage and see Deoghar as the holiest of the earth's cities. Hence, this Bill proposes the proclamation of Deoghar as the 'oldest living city of utmost national importance', the conservation and preservation of a wide array of tangible and intangible heritage and the stopping of haphazard development projects. This Bill provides that the Central Government shall constitute a Committee, without any delay, to identify, enumerate and preserve Deoghar's shared cultural heritage.

Hence this Bill.

NEW DELHI;
January 22, 2025

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a committee of archaeological experts and scholars, for the purpose, identification, conservation and preservation of heritage sites, natural sites, etc. Clause 8 of the Bill makes it obligatory for the Central Government to provide requisite fund for carrying out the purposes of this Act. The expenditure to be incurred depends upon number of heritage sites to be identified for the purpose of conservation and maintenance. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at this stage to estimate the actual financial expenditure that is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 40 of 2025

A Bill to provide for the compulsory periodical desiltation of dams, reservoirs, rivers and such other water bodies and an institutional mechanism by establishing a National Authority to ensure timely and periodical desiltation of such water bodies in the country to increase their water holding capacity and ensure smooth flow of water which will reduce the incidence of floods and for matters connected therewith or incidental thereto.

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

1.(1) This Act may be called the Compulsory Periodical Desiltation of Dams, Reservoirs and Rivers Act, 2025.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

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

Definitions.

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

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

(b) “Authority” means the National Desiltation Authority of India established under section 3;

(c) “Dam” means any artificial barrier and its appurtenant structure constructed across rivers or tributaries thereof to impound or divert water which also include barrage, weir and similar water impounding structures;

(d) “desiltation” means removing of sediments of rocks and clay deposited by flowing stream of water in a river, dams and other water bodies;

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

(f) “reservoir” in relation to a dam shall mean any spread of water impounded by such a dam.

Establishment
of National
Desiltation
Authority of
India.

3. (1) The Central Government shall, within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act, an Authority to be known as the National Desiltation Authority of India for carrying out the purposes of this Act.

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

(3) The headquarters of the Authority shall be at Deoghar in the State of Jharkhand and the Authority may also establish offices at other places in India.

(4) The Authority shall consist of a Chairperson, a deputy Chairperson and four other members having such qualifications and experience to be appointed by the Central Government in such manner as may be prescribed.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members shall be such as may be prescribed.

(6) The Authority shall have its own Secretariat headed by a Secretary and such number of officers and staff as may be necessary for the efficient functioning of the Authority.

(7) The salaries, allowances payable to and other terms and conditions of service of the Secretary, other officers and staff shall be such as may be prescribed.

(8) The Authority shall comply with such directions, as may, from time to time, be given to it by the Central Government.

(9) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed.

4.(1) The Authority shall,—

Functions of
the Authority.

(i) prepare a list of dams, reservoirs and rivers in the country and chalk out a programme for desiltation of each of these dams, reservoirs and rivers;

(ii) prescribe norms for desiltation, prioritisation of works, proper surveillance and inspection; and

(iii) ensure that every dam, reservoir and river undergoes desiltation process at least once in every five years.

(2) Without prejudice to the generality of the provisions, contained in sub-section (1), the Authority shall make all endeavours to,—

(a) make provision for machinery, vehicles and necessary infrastructure required for desiltation works;

(b) hire services of experts in the field of desiltation works in consultation with Dredging Corporation of India;

(c) suggest measures for the use of silt which will be generated after the desiltation works; and

(d) make provisions for safety, emergency action plan and such other measures, as may be prescribed, during the desiltation works undertaken by the Authority.

5. It shall be the duty of the appropriate Government to extend requisite help, manpower and assistance to the Authority, as and when required by it.

Appropriate
Government to
extend required
help to the
Authority.

6.(1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual Report.

(2) The Central Government shall, as soon as may be, cause the annual report to be laid before each House of the Parliament.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority by way of grants such sums of money as may be required for the effective implementation of the provisions of this Act.

Central
Government to
provide funds.

8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force dealing with the subject matter of this Act.

Act to supplement
other laws.

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

Power to make
rules.

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

STATEMENT OF OBJECTS AND REASONS

Our country has many rivers and there are several cities and villages near their banks. These rivers give much required water for drinking and other purposes and for irrigation purposes to grow crops in major parts of the country. On many rivers, dams have been constructed to generate hydro-power to meet the power demands of our vast nation. The water stored in these dams is also used for drinking and irrigation purposes.

Similarly, large number of reservoirs have been constructed across the country which store rainwater which is used for drinking and other purposes. For instance, Jharkhand is at large dependent on nearby reservoirs for its daily water supply and so is the case of other States also.

However, the holy rivers which provide water for our lifeline also bring havoc and destructions through floods. One of the main reasons for flooding of these rivers is deposit of huge quantities of silt in their bed which reduces their water holding capacity resulting in floods.

Similarly, large quantities of silt deposited in dams and reservoirs across the country which has substantially reduced their capacity to hold water in them. As a result, for instance, when summer approaches the water level in reservoirs goes down substantially resulting in severe water crisis and this happens almost every year. Since the rivers, dams, reservoirs and big water bodies in the country are never desilted, the situation is becoming from bad to worse. Floods are causing huge losses of human lives, properties, crops, livestock and bring miseries to the people year after year. Similarly, huge deposits of silt in dams and reservoirs is causing severe water crisis for drinking as well as irrigation purposes. Hence, it has become utmost necessary to carry out periodical for periodical desiltation of rivers, dams and reservoirs in the country. It is felt that every river, dam and reservoir must be desilted once in every five years. For this purpose, an Authority be established at the national level to ensure desiltation of these water bodies as per time schedule.

Hence, this Bill.

NEW DELHI;

NISHIKANT DUBEY

22 January, 2025.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of National Desiltation Authority of India. Clause 7 makes it mandatory for the Central Government to provide required funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage it is not possible to quantify the amount but it is estimated that a sum of rupees fifty thousand crore will involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one lakh crore will also be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 85 of 2025

A Bill to provide for social security and welfare measures to orphan children and for matters connected therewith.

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

1. (1) This Act may be called the Orphan Children (Social Security and Welfare) Act, 2025.

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.

Definitions.

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

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

(b) "child" means a child who has not completed the age of eighteen years;

(c) "foster care home" means foster care home established under section 8; and

(d) "orphan child" means a child who has been abandoned or has lost both parents or whose parents' identity is not known and includes a child who is not part of a family either natural or foster;

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

Central
Government to
conduct survey
of orphan
children.

3. (1) **The Central Government shall, in consultation with State Governments, conduct and publish the survey of orphan children after every ten years alongwith census.**

(2) The survey conducted under sub-section (1) shall include-

(a) socio-economic status of orphan children;

(b) data on the cause and effect of becoming orphans;

(c) demographic profile of orphan children; and

(d) performance appraisal of existing orphan children welfare schemes and programs.

National policy
for welfare of
orphan children.

4. (1) **The Central Government shall, within one year of the publication of the survey under section 3, formulate a National Policy for the welfare of orphan children.**

(2) Without prejudice to the generality of the foregoing provisions, the National Policy referred to in sub-section (1) may provide for—

(a) placing orphan children in a family setting either through reunion with their natural parents or relatives or through adoption by foster ones;

(b) establishment of a robust system of institutional care for orphan children who are unable to be reintegrated in a family setting;

(c) evolution of a preventive approach to the phenomenon of children becoming orphans;

(d) development of a tracking system for identification of families of abandoned children to facilitate reunification;

(e) development of psychological and other support system to prevent abandoning of children by parents due to poverty, deprivation and other such factors;

(f) universalising the Cradle Baby Reception Centre scheme and its mandatory inclusion in every public health centre in the country;

(g) counseling facilities at the Cradle Baby Reception Centers to link parents to relevant welfare schemes;

(h) simplification and reform of the adoption system by foster parents;

(i) conducting awareness campaigns in high risk districts informing the parents about the Governmental assistance;

(j) training and capacity building to health workers to cater to the complex psycho-social needs of orphan children;

(k) specialised attention to orphan children suffering from vulnerable diseases like

HIV and other communicable diseases and to orphan children living in militancy and naxalism affected areas;

(l) post-institutional support to ensure education, skill training and livelihood to orphan children;

(m) grants-in-aid to foster care homes and Non-Governmental Organisations working for the orphan children;

(n) stringent monitoring of foster care institutions to prevent any kind of emotional, physical or sexual abuse of orphan children;

(o) strict and swift punishment to child abusers in foster care institutions;

(p) issuance of single and multi-purpose 'orphan certificate' containing therein, if available, such information as date of birth, nativity, parental status and family surname to ensure enjoyment of legal rights, entitlements and benefits;

(q) linkage of all orphan-related agencies such as cradle baby centres, adoption centres and foster care homes with authorities that issue orphan certificates;

(r) promoting awareness about legal rights and entitlements of orphan children; and

(s) such other provisions as may be deemed necessary and expedient for carrying out the purposes of this Act.

5. It shall be the duty of the appropriate Government to implement the National Policy for welfare of orphan children formulated under section 4.

Appropriate Government to implement the National policy.

6. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a Fund to be known as the Orphan Children Welfare Fund for the purposes of this Act with an initial corpus of rupees two thousand crores, to be provided by the Central Government, after due appropriation made by Parliament by law in this behalf.

Constitution of a Orphan Children Welfare Fund.

(2) The Fund shall also include,—

(a) contributions made by the Central Government and State Governments in such ratio, as may be prescribed;

(b) moneys received by way of donations, contributions, assistance or otherwise from individuals, body corporates, domestic and foreign financial institutions.

(3) The Fund shall be utilised for rehabilitation and welfare of orphan children covered under this Act in such manner as may be prescribed.

7. There shall be three *per cent.* reservation in educational institutions and in posts and services under the Central Government for orphan children.

Reservation in Educational Institutions and in posts and services.

8. (1) The appropriate Government shall establish such number of foster care homes as may be necessary for the purposes of this Act.

Establishment of foster care homes.

(2) The foster care homes established under sub-section (1) shall provide free of cost boarding and lodging and such other facilities to the orphan children as may be prescribed.

9. (1) The appropriate Government shall designate a nodal officer in every district to ensure effective implementation of all the schemes and policies meant for welfare of orphan children;

Nodal officer to ensure welfare schemes in every district.

(2) Every nodal officer shall submit to the appropriate Government an annual report containing such details, as may be prescribed, of welfare measures provided to orphan children in the district.

(3) The appropriate Government shall, if satisfied that schemes and policies are not being implemented properly, remove from the office the nodal officer for dereliction of duty:

Provided that no criminal proceedings shall be instituted against the nodal officer who is removed from office.

Central
Government to
provide funds.

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

Overriding
effect of the Act.

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

Act not in
derogation of
any other law.

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

Power to make
rules.

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

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

STATEMENT OF OBJECTS AND REASONS

At present, there exists no dedicated or comprehensive legislation in India that addresses the specific challenges faced by orphaned children. As a consequence, these children are often subjected to various hardships, with the absence of legal identity being the most pressing. This lack of identity hampers their ability to participate in civic life and prevents them from accessing essential public services, welfare schemes, and statutory entitlements.

The absence of identity is not merely an administrative gap but reflects a deeper neglect of the rights and needs of orphaned children—particularly those who are at a heightened risk of abuse, exploitation, trafficking, and neglect. The proposed Bill seeks to establish a robust legislative framework that recognizes orphaned children as a distinct and vulnerable category requiring urgent and sustained support.

Hence this Bill.

NEW DELHI;

SMITA UDAY WAGH

July 7, 2025.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for survey of orphan children. Clause 4 provides for formulation of a national policy for the welfare of orphan children. Clause 6 provides for constitution of an Orphan Children Welfare Fund. Clause 8 provides for establishment of foster care homes to provide free food, lodging and other requisite amenities to orphans. Clause 10 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees twenty thousand crore is also 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 to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 90 of 2025

A Bill further to amend the Protection of Women from Domestic Violence Act, 2005.

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

1.] This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2025.

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 2005.

2. In Section 5 of the Protection of Women from Domestic Violence Act, 2005 hereinafter referred to as the principal Act), after clause (e), the following clauses shall be inserted, namely:—

Amendment of
Section 5.

“(f) of the available Self-help Groups in his jurisdiction and provide her access to such groups;

“(g) of the National Skill India Policy and connect her to one of the Schemes;”.

Amendment of
Section 9.

3. In section 9 of the principal Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:

“(ha) to ensure that the aggrieved person is provided access to Self-help Groups and National Skill India Policy Schemes;”.

STATEMENT OF OBJECTS AND REASONS

As per recent data published by the National Crime Records Bureau (NCRB), the incidents of crime against women have consistently shown an upward trend over the past decade. The data indicates that, on average, a crime against a woman is committed approximately every three minutes. Moreover, studies suggest that between 50 to 70 per cent of women experience some form of domestic violence during their lifetime. However, only a small fraction — around 2 per cent — are able to formally report such crimes to law enforcement agencies.

This significant gap between the actual incidence of domestic violence and its reporting is a matter of grave concern. One of the key factors, as identified by multiple research studies, is the economic dependence of women on their male partners or families, which prevents them from seeking legal recourse or escaping abusive environments. There is an urgent need to strengthen the accessibility and effectiveness of domestic violence laws by integrating them with supportive mechanisms aimed at economic empowerment. In particular, the inclusion of Self-Help Groups (SHGs) and initiatives under the National Skill Development Mission can play a transformative role by offering financial independence and vocational opportunities to survivors.

The Bill, therefore, proposes to amend the Protection of Women from Domestic Violence Act, 2005, to ensure that women subjected to domestic violence are given direct access to financial empowerment tools, including SHGs and national skill development schemes, thereby enabling them to rebuild their lives with dignity and security.

Hence this Bill.

NEW DELHI;
July 7, 2025

SMITA UDAY WAGH

Bill No. 83 of 2025

A Bill to provide for the protection of working women against discrimination and to ensure that essential facilities such as crèche service, recreational amenities, maternity benefits, hostel and transport support are available to working women and also to mandate for welfare measures by the employers to improve the state for the women employees working in Government establishments; public sector undertaking including banks and ports, educational institutions including universities, colleges and schools; as well as in factories, mines, plantations, agricultural lands, orchards and other such work places; and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Women Workforce (Support and Welfare) Act, 2025.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

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

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

(b) “child” means a male or female of the age below eighteen years and includes a still born child;

(c) “employer” means,—

(i) in relation to an establishment which is under the control of an appropriate Government, the person or authority appointed by the appropriate government for the supervision and control of the employees or where no person or authority is so appointed, the head of the establishment.;

(ii) in relation to an establishment under any local self-government or authority, the person appointed by such authority or local self-government for the supervision and control of the employees or where no person is so appointed, the Chief Executive Officer by whatever name called by the local self-government or the authority, as the case may be;

(iii) in other cases, the person who or the authority which has the ultimate control over the affairs of the establishment;

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

(e) “factory” means a factory as defined in the Occupational Safety, Health and Working Conditions Code, 2020;

37 of 2020

(f) “industry” means an industry as defined in the Industrial Relations Code, 2020;

35 of 2020

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

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

Appropriate Government to ensure non-discrimination and equal wages for working women.

3. It shall be the duty of the appropriate Government to ensure that no discrimination is done by any employer on gender basis against women employees particularly in the matter of payment of wages and other remuneration which are paid to her male counterpart in such establishment.

Employer to have childcare facilities for working women.

4. (1) Notwithstanding anything contained in any other law for the time being in force, every employer shall provide basic child care facilities such as milk, tiffin, clothes, toys, trained ayahs and other essential facilities for the children of women working in the establishment.

(2) The appropriate Government shall ensure that every employer of an agricultural field provide mobile childcare facilities for the working women in his establishment:

Provided that two or more such employers may provide common childcare facilities for their establishments.

(3) The appropriate Government shall open such number of creches at such places as it may deem necessary for carrying out the purposes of this Act.

5. The appropriate Government shall ensure that every employer provides retiring rooms with facilities like bathroom, latrine, drinking water at the workplace or worksite of the working women and recreational facilities like radio and television for working women and their children.

Recreational facilities.

6. The appropriate Government alongwith the employer shall provide adequate and proper security measures for the safety of working women in the establishment, factory or industry, as the case may be, as well as to and from their places of residence.

Security Arrangements.

7. It shall be the duty of the appropriate Government to ensure reservation of beds and proper and adequate maternity facilities for the working women in the hospitals and dispensaries having indoor patient facilities therein.

Maternity Facilities.

8. The appropriate Government as well as an employer shall provide hostel and residential facilities both for married and unmarried working women nearest to their place of work and cheap, safe and quick transport facilities for such working women.

Hostel and transport facilities.

9. The appropriate Government shall ensure protection from health hazards particularly for the women working in factories or industries like beedi, tobacco, stone mines, cashew, fish processing, salt, silk construction projects and such other establishments as may be prescribed.

Protection from health hazards.

10. (1) The appropriate Government shall maintain a register of working women in such manner and at such place as may be prescribed.

Register of women working.

(2) The appropriate Government may require an employer to furnish for the purposes of this Act, such statistical and other information, in such form and within such period as may be prescribed.

11. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the working women.

Overriding effect of the Act.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Despite the continuing female foeticides the declining girl-child ratio and the prevailing conservative mindset of the society towards women, more and more women are venturing out of their houses to work to support their families. As a result, the number of working women in Government services, factories, industries, commercial establishments, agriculture, mines, fish processing sector, silk industry and so on so forth is increasing day by day, but their conditions of employment need amelioration. Various basic and essential facilities which are supposed to be made available to the working women by the Government and private employers are either absent or not adequate and satisfactory. Unfortunately, in most of the private sector including agricultural sector, the facilities are rather minimal or negligible and the working women are an exploited lot there. The existing labour laws also do not provide for proper medical, educational, recreational and other facilities for the working women and their children. As regards, other social security measures like security, transport, accommodation have also not been made so far. In many establishments they are not given equal pay for work. This discrimination has to be stopped by enacting a proper legislation.

Hence it has become necessary to enact a legislation to protect working women against discrimination and provide adequate welfare measures for the working women.

Hence this Bill.

NEW DELHI;
July 6, 2025

SMITA UDAY WAGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of childcare facilities for working women. Clause 5 provides for recreational facilities for working women and their children. Clause 6 provides that the appropriate Government to provide adequate and proper security measures for the safety of working women. Clause 7 provides for maternity facilities. Clause 8 provides for hostel and transport facilities for the working women. Clause 9 provides for appropriate Government shall ensure protection from health hazards of the working women. Clause 10 stipulates that the appropriate Government shall maintain a register of working women. The expenditure relating to States shall be borne out of the Consolidated Fund of the State Government concerned. However, the expenditure in relation to Union Territories shall be borne out of the Consolidated Fund of India. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees five thousand crore is also likely to involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 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 details only, the delegation of legislative power is of a normal character.

Bill No. 82 of 2025

A Bill to regulate the employment of persons in certain establishments for certain periods before and after becoming a parent and to provide for paternity and parental benefit and certain other benefits therewith.

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

1. (1) This Act may be called the Paternity and Parental Benefits Act, 2025. Short title and commencement.
- (2) It shall come into force such date, as the Central Government may, by notification in the official Gazette, appoint.

2. (1) It applies, in the first instance,—

Application of Act.

(a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(b) to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed, or were employed, on any day of the preceding twelve months:

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

(2) Save as otherwise provided in sections 5A and 5B, nothing contained in this Act shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 (34 of 1948), apply for the time being.

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

Definitions.

(a) "appropriate Government" means, in relation to an establishment being a mine, ⁷[or an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances,] the Central Government and in relation to any other establishment, the State Government;

(b) "child" includes a still-born child;

(c) "commissioning mother" means a biological mother who uses her egg to create an embryo implanted in any other woman or a woman married to a commissioning father;

(d) "commissioning father" means a biological father who uses his sperm to create an embryo implanted in the surrogate mother or a man married to a commissioning mother;

(e) “delivery” means the birth of a child;

(f) “employer” means—

(i) in relation to an establishment which is under the control of the Government, a person or authority appointed by the Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iii) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

(g) “establishment” means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(iva) a shop or establishment; or

(v) an establishment to which the provisions of this Act have been declared under sub-section (1) of section 2 to be applicable;

(h) “factory” means a factory as defined in clause(m) of section 2 of the Factories Act, 1948 ;

63 of 1948.

(i) “Inspector” means an Inspector appointed under section 14;

(j) “maternity benefit” means the payment referred to in sub-section (1) of section 5;

(k) “medical termination of pregnancy” means the termination of pregnancy permissible under the provisions of Medical Termination of Pregnancy Act, 1971 ;

34 of 1971.

(l) “man” means a person employed, whether directly or through any agency, for wages in any establishment

(m) “mine” means a mine as defined in clause (j) of section 2 of the Mines Act, 1952;

35 of 1952.

(n) “miscarriage” means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code ;

45 of 1860.

(o) “plantation” means a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;

69 of 1951.

(p) “person” means a person employed, whether directly or through any agency, for wages in any establishment

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

(r) “State Government”, in relation to a Union territory, means the Administrator thereof;

(s) “wages” means all remuneration paid or payable in cash to a woman, if the terms of the contract of employment, express or implied, were fulfilled and includes such cash allowances (including dearness allowance and house rent allowance) as a person is for the time being entitled to incentive bonus; and the money value of the concessional supply of food grains and other articles, but does not include—

(i) any bonus other than incentive bonus;

(ii) over-time earnings and any deduction or payment made on account of fines;

(iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the person under any law for the time being in force; and

(iv) any gratuity payable on the termination of service;

(t) “woman” means a woman employed, whether directly or through any agency, for wages in any establishment.

4. (1) Subject to the provisions of this Act, every man shall be entitled to, and his employer shall be liable for, the payment of paternity benefit at the rate of the average daily wage for the period of his actual absence, that is to say, the period immediately preceding the day of delivery of a child of his legally wedded wife, the actual day of the delivery and any period immediately following that day. Right to payment of paternity benefit.

Explanation.—For the purpose of this sub-section, the average daily wage means the average of the man's wages payable to him for the days on which he has worked during the period of three calendar months immediately preceding the date from which he absents himself on account of paternity or the minimum rate of wage fixed or revised under the Minimum Wages Act, 1948 (11 of 1948), whichever is the highest.

(2) No man shall be entitled to paternity benefit unless he has actually worked in an establishment of the employer from whom he claims paternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the expected date of delivery of a child to his legally wedded wife.

(3) The maximum period for which any man shall be entitled to paternity benefit shall be eight weeks of which not more than one week shall precede the date of his legally wedded wife's expected delivery:

Provided that the maximum period entitled to paternity benefit by a man having two or more than two surviving children shall be five weeks of which not more than one week shall precede the date of his legally wedded wife's expected delivery:

Provided further that where a man dies during this period, the paternity benefit shall be payable only for the days up to and including the day of his death:

Provided also that where a man dies during the period for which he is entitled for the paternity benefit, leaving behind the child, the employer shall be liable for the paternity benefit for that entire period but if the child also dies during the said period, then, for the days up to and including the date of the death of the child:

Provided also that where a man who legally adopts a child below the age of three months or a commissioning father shall be entitled to paternity benefit for a period of eight weeks from the date the child is handed over to the adopting father or the commissioning father, as the case may be.

(4). In case where the nature of work assigned to a man is of such nature that he may work from home, the employer may allow him to do so after availing of the paternity benefit for such period and on such conditions as the employer and the man may mutually agree.

5. (1) Any man employed in an establishment and entitled to paternity benefit under the provisions of this Act may give notice in writing in such form as may be prescribed, to his employer, stating that his paternity benefit and any other amount to which he may be entitled under this Act may be paid to him or to such person as he may nominate in the notice and that he will not work in any establishment during the period for which he receives paternity benefit.

Notice of claim for paternity benefit and payment thereof.

(2) In the case of a man whose legally wedded wife is pregnant, such notice shall state the date from which he may be absent from work, not being a date earlier than one week from the date of her expected delivery.

(3) Any man who has not given the notice when his legally wedded wife was pregnant may give such notice as soon as possible after the delivery.

(4) On receipt of the notice, the employer shall permit such man to absent himself from the establishment during the period for which he receives the paternity benefit.

(5) The amount of paternity benefit for the period preceding the date of his legally wedded wife's expected delivery shall be paid in advance by the employer to the man on production of such proof as may be prescribed that his wife is pregnant, and the amount due for the subsequent period shall be paid by the employer to the man within forty-eight hours of production of such proof as may be prescribed that his wife delivered a child.

(6) The failure to give notice under this section shall not disentitle a man to paternity benefit or any other amount under this Act if he is otherwise entitled to such benefit or amount and in any such case an Inspector may either of his own motion or on an application made to him by the man, order the payment of such benefit or amount within such period as may be specified in the order.

6. If a man entitled to paternity benefit or any other amount under this Act, dies before receiving such paternity benefit or amount, or where the employee is liable for payment of paternity benefit under the second proviso to sub-section (3) of section 5, the employer shall pay such benefit or amount to the person nominated by the man in the notice given under section 6 and in case there is no such nominee, to his legal representative.

Payment of paternity benefit in case of death of a man.

7. (1) Every establishment having fifty or more employees shall have the facility of crèche within such distance as may be prescribed, either separately or along with common facilities:

Creche facility.

Provided that the employer shall allow four visits a day to the creche by the man, which shall also include the interval for rest allowed to him.

(2) Every establishment shall intimate in writing and electronically to every man at the time of his initial appointment regarding every benefit available under the Act.

8. In case of miscarriage or medical termination of the pregnancy of his legally wedded wife, a man shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of paternity benefit, for a period of five days immediately following the day of the miscarriage or medical termination.

Leave for miscarriage.

9. (1) When a man absents himself from work in accordance with the provisions of this Act, it shall be unlawful for his employer to discharge or dismiss him during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to his disadvantage any of the conditions of his service. Dismissal during absence.

(2) (a) The discharge or dismissal of a man at any time during the pregnancy of his legally wedded wife, if the man but for such discharge or dismissal would have been entitled to paternity benefit, shall not have the effect of depriving him of the paternity benefit:

Provided that where the dismissal is for any prescribed gross misconduct, the employer may, by order in writing communicated to the deprive him of the paternity benefit.

(b) Any man deprived of paternity benefit or discharged or dismissed during or on account of his absence from work in accordance with the provisions of this Act, may, within sixty days from the date on which order of such deprivation or discharge or dismissal is communicated to him, appeal to such authority as may be prescribed, and the decision of that authority on such appeal, whether the man should or should not be deprived of maternity benefit or discharged or dismissed shall be final.

(c) Nothing contained in this sub-section shall affect the provisions contained in sub-section (1).

10. (1) Subject to the provisions of this Act, every legally married couple shall be entitled to, and his or her employer shall be liable for, the payment of parental benefit at the rate of the average daily wage for the period of his or her actual absence, that is to say, within a period of eighteen months of the delivery of a woman's child or the delivery of the child of a man's legally wedded wife, as the case may be. Right to payment of parental benefit.

Explanation.—For the purpose of this sub-section, the average daily wage means the average of the person's wages payable to him or her for the days on which he has worked during the period of three calendar months immediately preceding the date from which he absents himself on account of paternity or maternity, the minimum rate of wage fixed or revised under the Minimum Wages Act, 1948 whichever is the highest.

11 of 1948.

(2) No person shall be entitled to parental benefit unless he or she has actually worked in an establishment of the employer from whom he or she claims parental benefit, for a period of not less than eighty days in the twelve months immediately preceding the expected date of [delivery] or [birth] of the child.

(3) The maximum period for which any legally married couple shall be entitled to parental benefit shall be a combined period of eight weeks, divided as they may mutually decide:

Provided that the parental benefit may be availed, either in a single continuous period of eight weeks or in two installments, each of not less than one week:

Provided further that the maximum period entitled to parental benefit by a married couple having two or more than two surviving children shall be a combined period of four weeks, divided as they may mutually decide:

Provided also that the parental benefit may be availed by a married couple having two or more than two surviving children either for a single continuous period of four weeks or in two installments, each of not less than one week:

Provided also that where a person dies during period of leave for parental benefit, the parental benefit shall be payable only for the days up to and including the day of his or her death:

Provided also that where a person dies during the period for which he is entitled for the parental benefit, leaving behind the child, the employer shall be liable for the parental benefit for that entire period but if the child also dies during the said period, then, for the days up to and including the date of the death of the child.

Provided also that where a married couple who legally adopts a child below the age of three months or a commissioning couple shall be entitled to parental benefit for a period of eight weeks within eighteen months of the date the child is handed over to the adopting couple or commissioning couple, as the case may be.

11. (1) Any person employed in an establishment and entitled to parental benefit under the provisions of this Act may give notice in writing in such form as may be prescribed, to his or her employer, stating that his or her parental benefit and any other amount to which he may be entitled under this Act may be paid to him or her or to such person as he or she may nominate in the notice and that he or she will not work in any establishment during the period for which he or she receives parental benefit.

Notice of claim for parental benefit and payment thereof.

(2) The notice under-section (1) shall be given not less than one month from the date from which he or shall be absent and contain the information specified in sub-section (3) and is accompanied by the declarations specified in sub-section (4):

(3) The specified information required for notice under sub-section (1) shall include,-

- (a) the name of the person;
- (b) the name of the person's legally wedded spouse;
- (c) the start and end dates of the period for which the person has received maternity or paternity benefit;
- (d) the start and end dates of the period for which the person shall be absent from work and receive parental benefit;
- (e) the duration for which the person's legally wedded spouse intends to absent themselves from work and receive parental benefit.

(4) The specified declarations for notice under sub-section (1), shall include,-

- (a) a declaration signed by the person that the information given by them in the notice is accurate.
- (b) a declaration signed by the person's legally wedded spouse—

(i) specifying name, address, and Permanent Account Number (PAN) of the person;

(ii) that the person is the legally wedded spouse of the employee giving the notice;

(iii) that the person consents to the duration and dates of leave which the employee intends to take as set out in the notice;

(iv) that the person consents to their spouse's employer processing the information in their declaration.

(5) On receipt of the notice, the employer shall permit such person to absent himself or herself from the establishment during the period for which he or she receives the parental benefit.

(6) The employer may request, within fourteen days beginning with the date on which that notice was given, the name and address of the employer of the person's legally wedded spouse.

(7) Where an employer makes a request under subsection (6), the person must, within 14 days beginning on the date on which that request was made, send the employer—

(a) the name and address requested, or

(b) a declaration that the person's legally wedded spouse has no employer.

(8) The amount of parental benefit for the period preceding the date of his legally wedded wife's expected delivery shall be paid by the employer to the person not less than two weeks before the date from which he or she shall receive the parental benefit on production of such proof as may be prescribed that she has delivered a child or his legally wedded wife has delivered a child.

12. If a person entitled to parental benefit or any other amount under this Act, dies before receiving such parental benefit or amount, or where the employer is liable for parental benefit under the second proviso to subsection (3) of section 5, the employer shall pay such benefit or amount to the person nominated by the employee in the notice given under section 6 and in case there is no such nominee, to his or her legal representative.

Payment of parental benefit in case of death of a person.

13. No deduction from the normal and usual daily wages of a person entitled to paternity or parental benefit under the provisions of this Act shall be made by reason only of the nature of work assigned to him or her by virtue of the provisions contained in sub-section (3) of section 4.

No deduction of wages in certain cases.

14. The appropriate Government may, by notification in the Official Gazette, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits of the jurisdiction within which they shall exercise their functions under this Act.

Appointment of Inspectors.

15. An Inspector may, subject to such restrictions or conditions as may be prescribed, exercise all or any of the following powers, namely:—

Powers and duties of Inspectors.

(a) enter at all reasonable times with such assistants, if any, being persons in the service of the Government or any local or other public authority, as he thinks fit, any place of work or establishment, for the purposes of examining any registers, records and notices required to be kept or exhibited by or under this Act and required their production for inspection;

(b) examine any person whom he finds in any premises or place and who, he has reasonable cause to believe, is employed in the establishment:

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself;

(c) require the employer to give information regarding the names and addresses of persons employed, payments made to them, and applications or notices received from them under this Act; and

(d) take copies of any register and records or notices or any portions thereof.

45 of 1860.

16. Every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Inspectors to be public servants.

17. (1) Any person claiming that—

Power of Inspector to direct payments to be made.

(a) paternity benefit or parental benefit to which he or she is entitled under this Act and any person claiming that payment due under section 7 has been improperly withheld;

(b) his or her employer has discharged or dismissed him or her during or on account of his or her absence from work in accordance with the provisions of this Act, may make a complaint to the Inspector.

(2) The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section (1), make an inquiry or cause an inquiry to be made and if satisfied that—

(a) payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders;

(b) he or she has been discharged or dismissed during or on account of his or her absence from work in accordance with the provisions of this Act, may pass such orders as are just and proper according to the circumstances of the case.

(3) Any person aggrieved by the decision of the Inspector under sub-section (2) may, within thirty days from the date on which such decision is communicated to such persons, appeal to the prescribed authority.

(4) The decision of the prescribed authority where an appeal has been preferred to it under sub-section (3) or of the Inspector where no such appeal has been preferred, shall be final.

(5) Any amount payable under this section shall be recoverable by the Collector on a certificate issued for that amount by the Inspector as an arrear of land revenue.

18. If a person works in any establishment after she has been permitted by his or her employer to absent herself under the provisions of section 6 for any period during such authorised absence, he or she shall forfeit her claim to the paternity or parental benefit for such period.

Forfeiture of paternity or parental benefit.

19. An abstract of the provisions of this Act and the rules made thereunder in the language or languages of the locality shall be exhibited in a conspicuous place by the employer in every part of the establishment. Abstract of Act and rules thereunder to be exhibited.
20. Every employer shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed. Registers, etc.
21. (1) If any employer fails to pay any amount of paternity or parental benefit to a person entitled under this Act or discharges or dismisses such person during or on account of his or her absence from work in accordance with the provisions of this Act, he shall be punishable with imprisonment which shall not be less than three months but which may extend to one year and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees: Penalty for contravention of Act by employer.
- Provided that the court may, for sufficient reasons to be recorded in writing, impose a sentence of imprisonment for a lesser term or fine only in lieu of imprisonment.
- (2) If any employer contravenes the provisions of this Act or the rules made thereunder, he shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both:
- Provided that where the contravention is of any provision regarding paternity or parental benefit and such paternity or parental benefit or amount has not already been recovered, the court shall, in addition, recover such paternity or parental benefit or amount as if it were a fine and pay the same to the person entitled thereto.
22. Whoever fails to produce on demand by the Inspector any register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by an Inspector shall be punishable with imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both. Penalty for obstructing Inspector.

23. (1) Any aggrieved person, an office-bearer of a trade union registered under the Trade Unions Act, 1926 (16 of 1926) of which such person is a member or a voluntary organisation registered under the Societies Registration Act, 1860 (21 of 1860) or an Inspector, may file a complaint regarding the commission of an offence under this Act in any court of competent jurisdiction and no such complaint shall be filed after the expiry of one year from the date on which the offence is alleged to have been committed. Cognizance of offences.
- (2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.
24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder. Protection of action taken in good faith.
25. The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act and the State Government shall comply with such directions. Power of Central Government to give directions.
26. If the appropriate Government is satisfied that having regard to an establishment or a class of establishments providing for the grant of benefits which are not less favourable than those provided in this Act, it is necessary so to do, it may, by notification in the Official Gazette, exempt, subject to such conditions and restrictions, if any, as may be specified in the notification, the establishment or class of establishments from the operation of all or any of the provisions of this Act or of any rule made thereunder. Power to exempt establishments.
27. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act: Effect of laws and agreements inconsistent with this Act.

Provided that where under any such award, agreement, contract of service or otherwise, a person is entitled to benefits in respect of any matter which are more favourable to him or her than those to which she would be entitled under this Act, the person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he or she is entitled to receive benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a person from entering into an agreement with his or her employer for granting him or her rights or privileges in respect of any matter which are more favourable to her than those to which he or she would be entitled under this Act.

28. (1) The appropriate Government may, subject to the condition of previous publication and by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the preparation and maintenance of registers, records and muster-rolls;
- (b) the exercise of powers including the inspection of establishments and the performance of duties by Inspectors for the purposes of this Act;
- (c) the method of payment of maternity benefit and other benefits under this Act in so far as provision has not been made therefor in this Act;
- (d) the form of notices under section 6;
- (e) the nature of proof required under the provisions of this Act;
- (f) acts which may constitute gross misconduct for purposes of section 12;
- (g) the authority to which an appeal under clause (b) of sub-section (2) of section 12 shall lie; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;

(h) the authority to which an appeal shall lie against the decision of the Inspector under section 17; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;

(i) the form and manner in which complaints may be made to Inspectors under sub-section (1) of section 17 and the procedure to be followed by them when making inquiries or causing inquiries to be made under sub-section (2) of that section;

(j) any other matter which is to be, or may be, prescribed.

(3) 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 ¹[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 REASON

The evolving nature of work and family structures necessitates legal reforms that support equitable care giving responsibilities. Despite growing recognition of the importance of shared parenting, India's labor laws remain outdated, offering minimal provisions for paternity and parental benefits. While the Maternity Benefit Act, 1961 provides leave and protections for women, there is no corresponding legal framework for fathers, leading to an unequal burden of childcare on women and limiting fathers' ability to participate in early child-rearing. India, with its growing workforce and shifting social dynamics, must address this policy gap to ensure that both parents have the necessary support to balance work and family responsibilities.

Research has found that fathers who take parental leave are more actively engaged in child-rearing, both during and long after the period of the leave ends, resulting in improved emotional and cognitive development and overall well-being in their children. Allowing fathers to take parental leave also has a profound impact on the well-being of mothers—a 2019 study by the World Bank found that paternity leave reduces postpartum depression in mothers by improving the division of household responsibilities and providing emotional support. Countries with robust paternity leave policies have seen higher female labour force participation rates, as mothers return to work earlier and are more likely to remain employed long-term, as well as improved career progression for women and a more equitable distribution of unpaid domestic labour.

This Bill introduces paid paternity leave, ensuring that fathers have the legal right to take time off from work to care for their newborn or newly adopted child. By enshrining this right in law, the Bill ensures that no father is forced to choose between financial stability and their child's early development.

In addition to paternity leave, the Bill introduces shared parental leave, allowing parents to divide caregiving responsibilities more flexibly within 18 months of childbirth or adoption rather than being restricted to the immediate postpartum period. The traditional model of parental leave, which only accounts for the immediate weeks following childbirth, does not reflect the long-term and evolving needs of a child. Research has shown that flexible shared parental leave allows parents to stagger their time off, ensuring continuous parental presence in the early developmental years, which has been linked to better emotional and behavioural outcomes in children, alongside reducing financial strain and workplace disruptions.

By enabling parents to take leave at any time during the first 18 months, the Bill allows families to structure their caregiving in a way that best supports child development, maternal workforce participation, and work-life balance. This approach is particularly critical for ensuring continuity of care, supporting single-parent and dual-career households, and accommodating changing family dynamics.

NEW DELHI;

SUPRIYA SULE

January 21, 2025.

FINANCIAL MEMORANDUM

This Bill involves expenditure from the Consolidated Fund of India on account as it involves the payment of paternity and/or parental benefits to employees of the Central government. However, it is not possible to give an estimate of the additional expenditure from the Consolidated Fund of India, as this would require the collection of a large volume of statistics and the expenditure will also have to be calculated on the basis of certain assumptions.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26 of the Bill gives power to the Central Government to make necessary rules, by notification in the official gazette, for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

Bill No. 51 of 2025

A Bill to establish an Employees' Welfare Authority to confer the right on every employee to disconnect from work related telephone calls and e-mails beyond work hours and on holidays and right to refuse to answer calls and e-mails outside work hours and for all matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Right to Disconnect Act, 2025.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

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

(a) “annual report” means a report giving the details of developmental activities taken up over the year by the authority and detailing about targets set and achieved;

(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 Employees’ Welfare Authority established under section 3;

(d) “company” means an entity registered under the Companies Act, of 2013;

18 of 2013.

(e) “out-of-work hours” means the time other than which is agreed upon, between the employer and employee, in the work contract as the work hours;

(f) “society” means an entity registered as society under the Societies Registration Act, of 1860; and

21 of 1860.

(g) “prescribed” means prescribed by the rules made under this Act.

Constitution
of the
Employees’
Welfare
Authority.

3. (1) **With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the Employees’ Welfare Authority consisting of the following members, namely:—**

(a) Minister of State, Ministry of Electronics and Information Technology —Chairperson *ex-officio*;

(b) Minister of State, Ministry of Communication — Vice-Chairperson *ex-officio*;

(c) Minister of State, Ministry of Labour and Employment — Vice-Chairperson *ex-officio*;

(d) Secretaries of the Union Ministries of Electronics and Information Technology, Communication, Labour and Employment and Statistics and Programme Implementation —members *ex-officio*;

(e) Chief Labour Commissioner —member *ex-officio*; and

(f) Director General, Labour Bureau —member *ex-officio*.

(2) **The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.**

(3) **The salary and allowances payable to and other terms and conditions of services of officers and staff of the Authority shall be such, as may be prescribed.**

Meetings of
the Authority.

4. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

(2) **The expenditure incurred to attend meetings by the members referred to in sub-clauses (a) to (f) of section 3, shall be borne by their ministry concerned controlling authorities.**

5. (1) The Authority shall discharge such functions as may be necessary to ensure the welfare of employees in the country and formulate a charter that outlines the terms and conditions to be negotiated between employees and employers of a company or society, within one year from the date of its constitution.

Functions of the Authority.

(2) The Authority shall disseminate any necessary knowledge and information collected on the use of digital and communication tools, to the State Governments, to be disseminated to the companies and societies.

(3) The rights and benefits bestowed on employees, prescribed in this Act, shall be in addition to those already enjoyed by them under different ongoing Government employee welfare schemes.

6. (1) The Authority shall undertake a baseline study to collect comprehensive data about usage of digital and communication tools outside work hours and in personal life by all workers either employed in a company or society, which shall be completed within one year from the date of its constitution.

Baseline study to collect data.

(2) The Authority may direct the appropriate Government, societies and companies to assist in conducting the baseline study.

7. Every employee shall have the right to disconnect out of work hours.

Right to disconnect of employees.

Explanation.— For the purpose of this section:-

(a) ‘right to disconnect’ means that while the employer may contact the worker after work hours, the employee is not obliged to reply or shall have right to refuse to answer such calls; and

(b) In case an employee refuses to reply any call during out-of-work hours, such employee shall not be subject to any disciplinary action by the employer.

8. (1) The Authority shall direct every individual, company and society having more than ten employees to conduct negotiations with employees, unions or employee representatives to decide the terms and conditions for working out-of-work hours:

Drafting of customised Charter by individual companies and societies.

Provided that the right to disconnect rules and protocols shall be negotiated at the level of individual company or society taking into consideration the diverse work cultures of different entities and their competitive needs.

(2) The individual registered entity (company or society) shall produce its own Charter detailing clarification on the out-of-work hours, service conditions of employees and the respective demands of the employers.

9. (1) The Charter of individual entity made under sub-section(2) of section 8 shall identify on an individual basis, as to when an employee be contacted during out-of-work hours and holidays which are arrived at through negotiations and mutual agreement of employer and employee.

Charter to be included in the Charter of individual entities.

(2) Every employee shall be entitled to right to disconnect, when contacted for work related purpose during time other than that agreed upon under sub-sections (1) and (2).

10. An employer may contact any employee either through telecom, video call, message, email in other form of communication out-of-work hours, during the time mutually agreed upon by such employee and employers.

Contact via call, message and email etc.

Overtime pay for working outside work hours.	11. Every employee working during out-of-work hours mutually agreed, shall be entitled to overtime at the normal wage rate.
Employees Welfare Committees of individual entities.	12. Every registered company and society shall constitute a Employees' Welfare Committees consisting of its employees to assist or represent the employees for negotiation of terms and conditions of out-of-work hours with employers.
Negotiations to be conducted at frequent intervals.	13. The appropriate Government shall ensure that the negotiations for conditions of outside-work-hours, between employees and employer are conducted at regular intervals, to ensure flexibility in the rules of right to disconnect.
In case of agreement not reached.	14. The Charter of the individual entity shall explicitly mention normal the out-of-work hours to be followed until an agreement is reached between the employer and its employees: Provided that if any employer contacts his employee during the period when there is no mutually agreed out-of-work period, the employee, during out of work hours,— (a) shall not be obliged to respond and shall have right to disconnect; or (b) may choose to respond, for which he shall be entitled to get overtime pay in such manner as may be prescribed.
Policy for employees working remotely.	15. Every individual registered entity, company or society, shall frame a policy for its employees who are working in remote areas or, involved in teleworking or working from home, such policy has to be mutually agreed by employees.
Awareness increasing activities by entities.	16. Every individual registered entity, company or society, shall undertake awareness programmes to sensitive its employees, on reasonable use of digital and communication tools, for work related purposes, during travel and teleworking.
Counseling for work-life balance.	17. The appropriate Government shall, in consultation with the individual entities, provide counseling services to employees to help them maintain work-life balance.
Digital Detox Centres.	18. The appropriate Government shall set up digital detox centres and provide digital detox counseling services to citizens for reasonable personal use of digital and communication tools.
Penalty to be paid by the entity for non compliance with the provisions of the Bill.	19. Every individual entity shall pay penalty at the rate of one per cent of total employees' remuneration for,— (a) any out-of-work service condition not defined in the Charter made under section 9; (b) any out-of-work service condition not defined in the policy for employees working remotely under section 15; and (c) any non-adherence to any of the provisions of this Act.
Annual report and its laying before the Parliament.	20. (1) The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has

undertaken and recommended to the Government over the year and it shall contain statements of annual accounts of the Authority.

(2) A copy of the report shall be forwarded to the Central Government, and the Central Government shall lay the report before each House of Parliament.

21. The Central Government, shall from time to time after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

22.(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

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

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

23. (1) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

With the advent of digital and communication technology, an average worker can work directly from his smart-phone. According to the report released by the World Economic Forum, the proportion of mobile workers who could work from any location, is expected to rise beyond seventy per cent. While this has benefits in terms of work flexibility, it also carries with it a significant risk of erosion of boundaries between professional and personal life. Studies have found that if an employee is expected to be available round the clock, they tend to exhibit risks of over-work like sleep deprivation, developing stress and being emotionally exhausted. This persistent urge to respond to calls and emails (termed as 'telepressure'), constant checking of emails throughout the day, and even on weekends and holidays, is reported to have destroyed the work-life balance of employees.

According to a study, the constant monitoring of work related messages and emails, may overtax employees' brains leading to a condition called 'info-obesity'. This condition is characterised by stress, burnouts and sleeplessness. Studies show that when employees are overburdened with work, either their productivity stays constant or even reduces with increase in work hours. In the year 2014, a study conducted by the University of Stanford found that the output and productivity of employees plateaued off after fifty work hours per week. In fact, workers' productivity declined when they were over burdened with sixty work hours per week. Research depicts that employees who respond to work related calls and mails after 9 pm, had the worst quality of sleep which consequently had a bearing on their productivity. The need is to respect the personal space of the employees by recognising their right to disconnect and not respond to their employer's calls, emails etc., during out-of-work hours. The need is also to recognise the rights of the employees, it also takes into consideration the competitive needs of the companies and their diverse work cultures. Flexibility in the right to disconnect rules and leaves it to the individual companies to negotiate terms of service with their employees is need of the hour.

The digital transformation has direct impact on conditions in the employment contract, like the time and the place of work. Hence if an employee agrees to works during out-of-work hours, overtime pay at the same rate as his wage rate is also necessary to check the surge in unpaid overtime work, brought about by digital transformation.

Cases of lack of consensus between employer and employee during negotiations needs to be addressed. In such cases the company is required to explicitly lay out their out-of-work demands from their employees, in the Charter, and the employees can either choose to work or enforce their right to disconnect. The companies shall be mandated to draft their own policy towards employees working remotely, tele-working and travelling for work. The Constitution of Employees' Welfare Committees at every company to assist the employees in negotiations with employers is also required. Provision to ensure that these negotiations are held frequently at regular interval, to keep in line with the dynamic business demands are to be incorporated. The present Bill seeks to impose sanctions at the rate of one per cent of its total employees' remuneration, on entities (companies or societies) for any non-compliance with the provisions of the Bill. To rein in the adverse effects of hyper-connectivity on employees' personal life, the Bill also provides for counselling services to increase awareness among employees and citizens, on reasonable use of digital and communication tools, for professional and personal use. To free an employee from digital distractions and enable him to truly connect with the people around him, the Bill provides for digital detox centres. The Bill thus

champions for the rights and welfare of employees, by mandating individual entities to negotiate out-of-hour service conditions with their employees, and upholding the right of employee to disconnect. The Bill seeks to recognise right to disconnect as a way to reduce stress and ease tension between an employees' personal and professional life.

Hence, this Bill.

NEW DELHI;
February 21, 2025

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Employees' Welfare Authority. Clause 4 provides for expenditure incurred in conducting meetings of the Authority. Clause 5 provides for the various functions of the Authority. Clause 17 provides for counselling services for maintaining work-life balance. Clause 18 provides for setting up digital detox centres. Clause 21 provides for requisite funds for carrying out the functions of this Act. 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 would be involved as recurring expenditure per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make 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. 79 of 2025

A Bill to amend the Code on Social Security, 2020.

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

1. (1) This Act may be called the Code on Social Security (Amendment) Act, 2025.

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 section 2 of the Code on Social Security, 2020 (hereinafter referred to as principal Act),—

Definitions.

(a) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) “aggregator” means a digital intermediary for a buyer of goods or user of a service to connect with the seller or the service provider, and includes any entity that coordinates with one or more aggregators for providing the services;

(2A) “anonymous feedback platform” means an online or offline platform through which Gig workers may submit their feedback without being required to

share any identifying information, such as their name or a unique identification number;”;

(b) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(4A) “automated monitoring and decision making systems” means systems which make decisions solely by automated means without human intervention;”;

(c) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) “Board” means the Platform-Based Gig Workers Welfare Board established under section 114A;”;

(d) after sub-section (34), the following sub-sections shall be inserted, namely:—

“(34A) “Fund” means the Platform-Based Gig Workers Social Security and Welfare Fund established under sub-section (1) of section 114V;”;

(e) for sub-section (35), the following sub-sections shall be substituted, namely:—

“(35) “gig worker” means a person who performs work or participates in a work arrangement that results in a given rate of payment, based on terms and conditions laid down in such contract and includes all piece-rate work, and whose work is sourced through a platform;”;

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

“(56A) “personal contact information” means any information that may be used by a customer to identify and contact a gig worker, such as their full name, phone number or email address;”;

(g) after sub-section (59), the following sub-sections shall be inserted, namely:—

“(59A) “platform” means any arrangement providing a service through electronic means, at the request of a recipient of the service, involving the organization of work performed by individuals at a certain location in return for payment, and involving the use of automated monitoring and decision making systems;

(h) after sub-section (83), the following sub-sections shall be inserted, namely:—

“(83A) “terminate” or “termination” means materially restricting a platform based gig worker access to the digital platform, including blocking such workers’ access to the digital platform, suspending a platform based gig worker, or making the platform based gig worker ineligible to provide services on the digital platform;” and

(i) after sub-section (84), the following sub-sections shall be inserted, namely:—

“(84A) “Unique ID” means the unique Identification number issued to platform based Gig worker registered under sub-section (a) of section 1144E;”.

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

“CHAPTER IXA

PLATFORM AND GIG WORKERS’ WELFARE

114A. (1) The Central Government shall, with effect from such date as it may appoint, establish a Board to be known as the Platform Based Gig Workers Welfare Board to exercise the powers conferred on, and perform the duties and functions assigned to it, under this Act.

Insertion of
new Chapter
IXA.

Establishment
of Gig
Workers
Welfare Board.

(2) The Central Government may, as and when necessary, notify general or sector specific social security and other benefits that shall be implemented by the Board.

(3) The headquarters of the Board shall be at Mumbai in the State of Maharashtra and the Board shall establish its branches in all other States and Union territories at conspicuous places as the Board may deem fit and necessary.

(4) The Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may by that name, sue or be sued.

114B. (1) The Board shall consist of,—

Composition
of the Board.

(a) the Minister in-charge of the Union Ministry of Labour and Employment – ex-officio Chairperson;

(b) an officer not below the rank of Joint Secretary in the Union Ministry dealing with the administration of this Act to be appointed by the Central Government— ex-officio Member;

(c) the Commissioner, Department of Revenue or his nominee not below the rank of Joint Commissioner - ex-officio Member;

(d) a Chief Executive Officer appointed by the Central Government shall be Executive in-charge of day to day functioning of the Board and carry out duties on behalf of the Board - ex- officio Member Secretary;

(e) four representatives of the gig workers to be nominated by the Central Government, at least one of whom shall be female – ex-officio Member;

(f) two representatives of aggregators to be nominated by the Central Government— Member;

(g) one representative from civil society to be nominated by the Central Government who has experience of working in the field or a subject matter expert that works in field – Member,

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

(2) The Board may also invite a technical expert in the field of data collection and Information Technology (IT) system as and when necessary to provide inputs.

(3) The nominated members of the Board shall have a term of three years:

Provided that the Central Government may extend their tenure for another one year if it deems appropriate.

(4) In the event of any vacancy occurring on account of death, resignation, disqualification or removal under sub-section (5), such vacancy shall be filled by the Central Government by fresh nomination for the remaining term.

(5) Any nominated member of the Board may at any time resign from his office by writing under his hand addressed to the Chairperson, and his office shall, on acceptance of resignation, become vacant.

(6) No person shall be chosen as, or continue to be, a nominated member of the Board who,—

(i) is a salaried officer or an employee of the Board; or

(ii) is or at any time has been adjudged insolvent; or

(iii) is found to be a lunatic or is of unsound mind and stands so declared by a competent Court; or

(iv) is or has been convicted of any offence involving moral turpitude; or

(v) is absent without leave of the Board for more than three consecutive meetings of the Board.

(7) The nominated members of the Board shall be entitled for allowances for attending the meetings of the Board, at such rates as may be prescribed.

Meeting of the Board.

114C. (1) The Board shall meet at such time and place and observe such rules of procedure for transaction of business at its meetings as may be prescribed:

Provided that, the Board shall meet at least once in three months:

Provided further that, the Chairperson may convene a meeting of the Board upon a written request from at least six members of the Board.

(2) The Chairperson; or, if for any reason he is unable to attend any meeting of the Board, any other member as decided by members present, shall preside over the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or a casting vote.

(4) The quorum for the meeting of the Board shall be fifty percent of the total members.

Functions of the Board.

114D. The Board shall,—

(a) ensure registration of gig workers in accordance with the provisions of this Act;

(b) ensure registration of aggregators operating in the country in accordance with the provisions of this Act;

(c) set up a monitoring mechanism to certify that welfare fee is being duly collected;

(d) ensure implementation of general and specific social security schemes based on contributions made as may be notified by the Central Government and disburse the social security benefits through the individual social security accounts linked to the Unique IDs allocated to platform based Gig workers.

(e) monitor the schemes for social security of registered platform based Gig workers and provide recommendations to the Central Government for administering such schemes;

(f) ensure that gig workers have access to the benefits as per the schemes formulated by the Central Government and to provide proactive facilitation to them in their engagement with concerned aggregator;

(g) engage with workers associations working with gig workers and hold regular open consultations with them;

(h) constitute a Committee for providing the recommendations to the Central Government for formulation, review and implementation of the schemes meant for the welfare of gig workers;

(i) make social security schemes for specific groups of gig workers such as women and persons with disabilities; and

(j) seek aggregated data from the aggregators and platforms on the work done via their platform.

114E. A platform based gig worker shall have the right to,—

Rights of platform based Gig Worker.

(a) be registered with the Central Government on being on boarded on any platform, irrespective of the duration of the work, and be provided a Unique ID applicable across all platforms;

(b) have access to general and specific social security schemes based on contributions made by them as may be notified by the Central Government; and

(c) access to grievance redressal mechanism as specified under section 23:

Provided that nothing in this Act shall affect any benefit or protection accorded to platform based gig workers under any other law for the time being in force.

114F. The officers and employees working with National Social Security Board shall be considered to be officers and employees of the platform based Gig Workers Welfare Board for the efficient discharge of its functions under this Act.

Officers and employees of the Board.

114G. (1) The aggregator shall provide to the Board its database of all gig workers on boarded or registered with them within sixty days from the date of commencement of this Act in such manner as may be specified in the regulations.

Registration of gig workers.

(2) All platform based gig workers on boarded or registered with any platform after the commencement of this Act shall be electronically registered by the Board, within sixty days of their being so on boarded or registered.

(3) The aggregator shall update the Board about any changes including increase or decrease in numbers of gig workers in the data provided under sub-section (1) in such manner as may be specified in the regulations.

(4) The Board shall maintain a database of gig workers in the country along with the details of their employment with one or more aggregators, and notwithstanding the duration or time of engagement with any platform.

(5) The Board shall register and generate a unique ID to every gig worker who is on-boarded by one or more aggregators operating in the country.

114H. (1) Every aggregator shall register with the Board within sixty days from date of commencement of this Act in such manner as may be prescribed.

Registration of aggregators.

(2) The Board shall maintain a register of aggregators operating in the country along with the name and designation of an officer authorized by the Central Government responsible for carrying out obligations under this Act.

(3) The Board shall publish the register of aggregators on its web portal in such manner as may be prescribed.

114I. (1) All contracts entered into between aggregators and platform based gig workers shall comply with the provisions of this Act.

Obligation to enter into fair contracts.

(2) The contracts under sub-section (1) shall be written in simple language easily comprehensible and shall be available in Hindi, English or any other language listed in the Eighth Schedule of the Constitution known to the platform based gig worker.

(3) The aggregator shall, once the contract has been entered into, notify the platform based gig worker of any change in the terms of the contract not less than fourteen days before the proposed change, and the platform based gig worker shall have the option to terminate the contract accordingly, without any adverse consequences for their existing entitlements under the previous contract.

(4) A platform based gig worker may refuse or reject, with reasonable cause, a specified number of gig work requests per week, as shall be provided in the contractual agreement between the platform based gig worker and the aggregator, without any adverse consequences.

(5) A platform based gig worker may take up employment with other employers besides the aggregator without any adverse consequences:

Provided that if the employment of a gig worker is subject to a probationary period such period shall not exceed three months.

Fixing of
minimum rate
of wages.

114J. (1) The Board shall fix,—

- (a) a minimum rate of wages for time work;
 - (b) a minimum rate of wages for piece work.
- for various categories of gig work under this Act.

(2) While fixing or revising minimum rates of wages under this section, different minimum rates of wages may be fixed for,—

- (a) different categories of gig work;
- (b) different classes of work in the same category of gig work; and
- (c) different localities.

(3) The Board shall fix a minimum allowance for gig workers working in hazardous conditions.

(4) The Board shall review at such intervals as it may think fit, such intervals not exceeding five years, the minimum rates of wages and allowance so fixed and revise the minimum rates and allowance, if necessary.

Regulation
of working
hours.

114K. (1) The aggregator shall inform gig workers of the following:—

(a) if the work pattern is entirely or mostly predictable, the length of the worker's standard working day or week and any arrangements for overtime and its remuneration and, where applicable, any arrangements for shift changes;

(b) if the work pattern is entirely or mostly unpredictable,—

(i) the principle that the work schedule is variable, the number of guaranteed paid hours and the remuneration for work performed in addition to those guaranteed hours;

(ii) the reference hours and days within which the worker may be required to work; and

(iii) the minimum notice period to which the worker is entitled before the start of a work assignment.

(2) When a work pattern is entirely or mostly unpredictable, the gig worker shall not be required to work by the aggregator unless both of the following conditions are fulfilled,—

(a) the work takes place within predetermined reference hours and days as referred to in sub-clause (ii) of clause (b) of sub-section (1); and

(b) the gig worker is informed by his or her employer of a work assignment within a reasonable notice period as established in sub-clause (iii) of clause (b) of sub-section (1):

Provided that where one or both of the aforementioned requirements is not fulfilled, a gig worker shall have the right to refuse a work assignment without adverse consequences.

114L. (1) It shall be the duty of every aggregator to inform gig workers of the deadline within which the aggregator may cancel a work assignment after the assignment has been confirmed.

Compensation for Cancellation of Agreed Work Assignments.

(2) If an aggregator cancels a work assignment previously agreed with a gig worker, the worker shall be entitled to receive a cancellation compensation fee equivalent to not less than half the wage which he would have received if he had completed the work assignment.

114M. (1) If an aggregator requires a gig worker to undergo any form of training prior to the commencement of his duties, the aggregator shall ensure that,—

Training of gig workers.

(a) the costs of such training shall not be charged to the gig worker or withheld or deducted from his remuneration; and

(b) the training shall be conducted during the regular working hours of the gig worker, unless otherwise mutually agreed by the gig worker and the aggregator.

114N. (1) The Central Government shall publish sector specific guidelines for contracts between the gig workers and the aggregators, from time to time, in such manner as may be prescribed.

Contract guidelines and templates.

(2) The Central Government may review contract templates sent by aggregators, on request, in order to ensure fair contracts with platform based gig worker.

114O. (1) The aggregator shall communicate the following information regarding the respective platform based gig worker, in writing, in Hindi, English or any other language listed in the Eighth Schedule of the Constitution known to the platform based gig worker, as and when sought by him—

Transparency in respect of Automated Monitoring and Decision Making Systems.

(a) the main parameters which, either individually or collectively, are the most important for determining the allocation of work, the distribution of work, the assessment of work carried out, and the grounds for denial of work

(b) the rating system, if any, set up by the aggregator;

(c) categorisation of gig workers, on the basis of the quality of service rendered, log-in time, or any other criteria, where such categorisation is employed by the aggregator;

(d) the personal data of the respective gig worker available with the aggregator, such personal data which is processed by the aggregator, including the purposes for which such personal data is processed; and

(e) any other information that may be prescribed by the Central Government.

(2) The aggregator shall inform the platform based gig worker, in simple language and in Hindi, English or any other language listed in the Eighth Schedule of the Constitution known to the Gig worker, regarding the procedure to seek information in respect of the automated monitoring and decision making systems

employed/formulated by the aggregator, which have an impact on their working conditions, including fares, earnings, customer feedback and allied information.

(3) The aggregator shall take measures to prevent discrimination on the basis of religion, race, caste, gender, or place of birth by the automated monitoring and decision making systems employed by it.

Termination of work.

114P. (1) The contractual agreement entered into between the aggregator and the platform based gig worker shall contain an exhaustive list of grounds for termination of contract by the aggregator or deactivation by the Gig worker from the platform.

(2) An aggregator shall not terminate a gig worker without giving valid reasons in writing with prior notice of fourteen days.

Income security.

114Q. (1) In the cases of payment deductions, the aggregator shall inform the platform based gig worker about the reasons for such deductions before the invoice is raised for the work performed by the platform based gig worker.

(2) The aggregators must compensate the platform based Gig workers on a weekly basis without delay in disbursement of pay.

Reasonable working conditions.

114R. (1) The aggregator shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the platform based gig worker.

(2) The aggregator shall strictly comply with the applicable, sector-specific occupational safety and health standards as may be prescribed.

Safety regulations.

114S. (1) Every aggregator shall,—

(a) allow gig workers to opt into real-time location tracking, with location sharing enabled for emergency contacts designated by the gig worker;

(b) integrate Emergency Buttons into their application;

(c) provide mandatory safety training to gig workers, covering risk identification, de-escalation techniques, and emergency responses.

(d) ensure that customer communications with gig workers are routed through the platform's internal communication channels and refrain from disclosing gig workers' personal contact information to the customer;

(e) ensure that gig workers have access to an anonymous feedback platform to report safety concerns regarding clients, locations or routes;

(f) ensure that the platform shall allow for incident-specific reports, including but not limited to harassment, aggression, unsafe environments, or other risks that could threaten the physical or mental well-being of gig workers;

(2) The aggregators shall review incident-specific reports under clause (f) of sub-section (1) and take appropriate action, including the suspension or removal of a client from the platform, re-routing of affected workers and the classification of areas or routes as high-risk.

(3) The aggregators shall ensure that the gig workers are notified of high-risk areas in advance of accepting such work requests and the gig workers on receipt of such notification may refuse or reject Gig work requests in high-risk areas without any adverse consequences.

114T. (1) The aggregator shall ensure that information on the grievance redressal mechanism under section 114ZA is easily accessible on their platform.

Disclosure obligations.

(2) The aggregator shall ensure that information on the dispute resolution mechanism under section 114ZB is easily accessible on their respective platform.

114U. (1) Each platform based gig worker shall be provided with a human point of contact for all clarifications under the provisions of this Act:

Nomination of Point of Contact for Enquiries.

Provided that the aggregator may maintain physical spaces where platform based gig workers may seek clarifications under the provisions of this Act.

(2) Every gig worker shall have the option of communicating with the point of contact in Hindi, English or any other language listed in the Eighth Schedule of the Constitution known to the platform based Gig worker.

(3) The contact information of the point of contact shall be provided on the respective platform based Gig workers' accounts on the platform application.

114V. (1) The Central Government shall establish a Fund to be called the Gig Worker's Social Security and Welfare Fund for the benefit of registered platform based gig workers.

Fund for Gig workers.

(2) The Fund shall consist of,—

- (i) all sums received from welfare fee levied under this Act;**
- (ii) all contributions made by individual platform based gig workers;**
- (iii) all sums received as grant-in-aid from Central Government and State Governments;**
- (iv) all sums received by way of grants, gifts, donations, benefactions, bequests or transfers; and**
- (v) all sums received from any other sources as may be prescribed.**

(3) The Fund shall be utilised and managed in such manner as may be prescribed under section 114W:

Provided that if any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the Central Government whose decision thereon shall be final.

114W. (1) The Fund shall vest in, and be held and applied by, the Board as trustees, subject to the provisions, and for the purposes of this Act.

Vesting and application of fund.

(2) The moneys in the Fund shall be utilised by the Board to defray the cost of carrying out measures which may be specified by the Government, from time to time, to promote the welfare of gig workers and of their dependents.

(3) Without prejudice to the generality of the provisions of sub-sections (1) and (2), moneys in the Fund may be utilised by the Board to defray expenditure on the following activities, namely:—

- (a) health insurance coverage for gig workers;**
- (b) income support to gig workers during periods of inactivity due to injury, illness, pregnancy, or other incapacitating circumstances;**
- (c) emergency financial aid to Gig workers affected by accidents, natural disasters, or other unforeseen crises;**

(d) setting up rest stations for Gig workers;

(e) vocational training;

(f) legal aid for Gig workers in disputes relating to workplace safety, discrimination, or contractual matters; and

(g) cost of administering this Act including the salaries and allowances of the staff appointed for the purposes of this Act.

Gig Workers
Welfare Fee.

114X. (1) There shall be charged, from an aggregator, a welfare fee known as the Platform Based Gig Workers Welfare Fee, which shall be at such rate (percent) of the pay of the platform based Gig worker in each transaction or on the annual turnover as may be notified by the Central Government.

(2) The welfare fee under sub-section (1) shall be collected by the Central Government in such manner and within such time as may be prescribed.

(3) The aggregator shall deposit the welfare fee levied under this Act, at the end of each quarter in such manner as may be prescribed.

Accounts and
audit.

114Y. (1) The Board shall maintain proper accounts, and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed.

(2) The accounts of the Fund shall be audited annually by the office of the Comptroller and Auditor General of India.

(3) The accounts of the Fund certified by the auditor, together with the audited report thereon shall be submitted annually to the Central Government before such date as may be prescribed.

(4) The Board shall comply with such directions as the Central Government may, after perusal of the report of the auditor, think fit to issue.

(5) The cost of the audit, as determined by the Central Government, shall be paid out of the Fund.

(6) All monies forming part of the Fund shall be kept in current or deposit account with any Nationalized Bank.

Central
Transaction
Information
Management
System.

114Z. (1) All payments generated on platforms shall be mapped on to a Central Transaction Information and Management System (CTIMS) administered by the Central Government and monitored by the Board.

(2) Every payment made to gig workers and the welfare fee deducted shall be recorded on the Central Transaction Information and Management System (CTIMS) for each transaction relating to platform based Gig worker in such manner as may be prescribed.

(3) The details of welfare fee collected and spent at the Gig workers shall be disclosed and made available on the Central Transaction Information and Management System (CTIMS).

Redressal of
grievances.

114ZA. (1) A platform based Gig worker registered under this Act may file a petition in person before a grievance redressal officer as notified by the Central Government, or make a petition through web portal, in relation to any grievance arising out of entitlements, payments and other benefits provided under this Act:

Provided that the link to such web portal shall be provided on the platform application of every aggregator registered under this Act.

(2) The procedure for the disposal of the petition filed under sub-section (1) shall be such as may be prescribed.

(3) The grievance redressal officer so authorized under sub-section (1), shall upon inquiries, dispose of the said petition within a time limit by passing an order of redressal.

(4) An appeal against the order under sub-section (3), shall lie within ninety days from the date of order before the Appellate Authority, as prescribed by the Central Government:

(5) The Appellate Authority shall dispose of the appeal in accordance with such procedure as may be prescribed.

114ZB. (1) Every aggregator shall, with more than fifty platform workers registered on their platform, constitute an Internal Dispute Resolution Committee for the resolution of disputes specified in Schedule II.

Resolution of disputes against aggregator.

(2) The composition and procedures of the Internal Dispute Resolution Committee shall be such as may be prescribed.

(3) The Internal Dispute Resolution Committee shall complete its proceedings within thirty days on receipt of a written complaint by or on behalf of the aggrieved party.

Provided that, either party may take up the process of arbitration to resolve the dispute among them.

(4) Notwithstanding anything contained in this section, a platform based Gig worker may seek resolution of his disputes through the mechanism under the Industrial Disputes Act, 1947 (Central Act 14 of 1947).”.

114ZC. Save as otherwise expressly provided in this Act, if an aggregator contravenes any of the provisions of the Act or rules or regulations or any of standards made thereunder or of any order in writing given under the Act or such rules or regulations or standards, the aggregator shall be liable to penalty which shall not be less than five thousand rupees but which may extend up to one lakh rupees, and if the contravention is continued after the conviction, then, with further penalty which may extend to five thousand rupees for each day till such contravention continues.

General penalty for offences.

114ZD. (1) Where an offence under this Chapter has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct, of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he provides that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, company secretary or other officer of the company, such director, manager, company secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” means,

(i) in relation to a firm, partner thereof; or

(ii) any of its members

(iii) in case of association of individuals other than specified in sub-Clause (ii), any of its members.

Cognizance of offences.

114ZE. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Chapter.

Compounding of offences.

114ZF. (1) Any offence punishable under this Chapter may, either before or after the institution of the prosecution, on an application by, the alleged offender, be compounded payment of compounding amount not more than fifty percent by such officer or authority as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that, the appropriate Government may, by notification in the Official Gazette, amend the said specified compounding amount:

Provided further that, the offences of the same nature committed by the same offender for more than three occasions shall not be compoundable:

Provided also that, such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence.

Entitlement to more than one benefit.

114ZG. No right or entitlement provided for under this Act shall affect any benefit or protection accorded to platform based Gig workers under any other law for the time being in force.

Submission of Quarterly Returns.

114ZH. The aggregators shall submit quarterly returns in such form as may be prescribed by the Central Government.

Annual Report.

114ZI. (1) The Board shall prepare a report every year of its activities under this Act during the year and submit the report to the Central Government.

(2) The Central Government shall, as soon as may be after the receipt of report under sub-section (1), cause the same to be laid before the each of the Houses of Parliament.

Power to make rules.

114ZJ. (1) The Central Government may make rules for carrying out the purposes of this Chapter.

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

(i) any additional information regarding the automated monitoring and decision making systems that may be sought by the Gig worker from the aggregator sub-section (2) of section 114O;

(ii) sector specific occupational safety and health standards under sub-section (2) of section 114R;

(iii) the contributions from the aggregator and the Gig worker for access to general and specific social security schemes;

(iv) the rate (percent) of the value of each transaction chargeable as welfare fee as per sub-section (1) of section 114X;

(v) the format in which the quarterly return referred to in section 30 shall be submitted.

(vi) the time, place and procedure for meetings of the Board as required under section 114C;

(vii) the salary and allowances of nominated members as required under sub-section (6) of section 114B;

(viii) the manner in which proper accounts, annual statements of accounts including balance sheet and other relevant records maintained under sub-section (1) of section 114Y;

(ix) the format for payment of welfare fee under sub-section (3) of section 114X; and

(x) the form in which payment made to platform based Gig workers and the welfare fee deducted shall be recorded on the Central Transaction Information and Management System (CTIMS) for each transaction under section 114Z.

114ZM. (1) Every rule made under this Chapter shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or of the sessions immediately following, the House of Parliament makes any modification in the rule or resolves 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 thereunder.

(2) Every rule made under this Chapter shall be published in the Official Gazette.

114ZK. The Board may make regulations to provide for the following matters under this Act,—

Power to make Regulations.

(a) the manner of registration of aggregators as per sub-section (1) of section 114H;

(b) the manner in which the aggregators shall provide the database of all Gig workers on boarded or registered with them to the board under sub-section (1) of section 114G; and

(c) the manner in which the latest data of all platform based Gig workers engaged by aggregators shall be shared as per sub-section (2) of section 114G.

114ZL. The Central Government shall have the power to conduct inspections and reviews of contracts, automated monitoring and decision making systems, occupational safety standards and working standards adopted by aggregators to check compliance with the Act and rules thereunder, by such officer as may be designated.

Power of inspection.

STATEMENT OF OBJECTS AND REASONS

The emergence of platform-based work has fundamentally transformed the nature of employment, creating new economic opportunities while simultaneously exposing workers to vulnerabilities that traditional employment laws fail to address.

An estimated 23.5 million of India's citizens are projected to be gig workers by 2029-30. Despite their critical contributions to the economy, they lack social security, fair wages, workplace protections, and grievance redressal mechanisms.

The present Bill seeks to amend the Code on Social Security, 2020 with a view to recognize platform-based gig workers as a distinct category of workers and ensure their access to social security benefits, fair working conditions, and equitable contracts. It proposes the establishment of a Platform-based Gig Workers Welfare Board to regulate platform work, register workers and aggregators, ensure fair wages, and implement social security schemes. It also introduces transparency in automated decision-making, mandates fair contracts, and protects workers from arbitrary termination and wage deductions.

The Bill further provides for the creation of a Gig Workers' Social Security and Welfare Fund, financed through contributions from aggregators, government grants, and worker contributions. The Fund shall be utilized for health insurance, income security during periods of inactivity, and other welfare measures.

Additionally, the Bill seeks to introduce minimum wages for gig workers, regulate working hours, and mandate safety provisions, including emergency response measures. It also provides for an independent grievance redressal mechanism and dispute resolution framework to ensure accountability.

By addressing these critical gaps, this Bill will create a fairer and more sustainable gig economy in India, balancing the flexibility of platform-based work with the fundamental rights and protections that all workers deserve.

Hence this Bill.

NEW DELHI;
February 21, 2025.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 114A provides for the establishment of Board to be known as the Platform Based Gig Workers Welfare Board to exercise the powers conferred on, and perform the duties and functions assigned to it, under this Act. It also *vide* proposed section 114V provides for the constitution of the Gig Worker's Social Security and Welfare Fund to which all aggregators shall contribute. It also *vide* proposed section Clause 114Z provides for setting up a Central Transaction Information and Management System. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of one hundred crore rupees would be involved per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill *vide* proposed section 114ZJ empowers the Central Government to make necessary rules, by notification in the official gazette, for carrying out the purposes of the Bill. It also *vide* proposed section 114ZK empowers the Central Government to make regulations for carrying out the purposes of this Act. As the rules and regulations will relate to matters of details only, the delegation of legislative power is of a normal character.

Bill No. 69 of 2025

*A Bill further to amend the Foreign Exchange Management
Act, 1999.*

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

1. (1) This Act may be called the Foreign Exchange Management (Amendment)
Act, 2025.

Short title and
commencement.

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

Amendment
of section 36.

2. In section 36 of the Foreign Exchange Management Act, 1999 (hereinafter referred to as the principal Act), in sub-section 3, the following proviso shall be inserted, namely:-

42 of 1999.

“Provided that the officers of the Enforcement, while exercising powers under this Act, shall ensure that such powers are exercised in a transparent, just and accountable manner, without infringing upon the rights and dignity of individuals or entities under inquiry.”.

Insertion of
new Chapter
VI A.

3. After Chapter VI of the Principal Act, the following Chapter and sections thereunder shall be inserted, namely:-

“CHAPTER VIA

OVERSIGHT AND ACCOUNTABILITY

Establishment of
the Oversight and
Accountability
Committee.

38A. (1) The Central Government shall, by notification in the Official Gazette, establish an Oversight and Accountability Committee (OAC) consisting of eminent legal experts, retired judges and senior bureaucrats, to oversee the conduct of investigations and actions taken by the Directorate of Enforcement under this Act.

(2) The term of OAC established under sub-section (1) shall be three years from the date of its establishment.

(3) The salary and allowances payable to, and other terms and conditions of services of legal experts, retired judges shall be such as may be prescribed.

(4) The OAC shall have power to regulate its procedure.

Powers and
functions of
OAC.

38B. (1) The OAC shall,—

(a) review cases and actions taken by the Directorate of Enforcement to ensure that they adhere to principles of justice, transparency and fairness; and

(b) investigate complaints related to malpractices, abuse of power, exceeding jurisdiction and similar issues by the Directorate of Enforcement.

(2) Without prejudice to anything contained in sub-section (1), the OAC shall have powers and administrative functions as prescribed by the Central Vigilance Commission, from time to time

Obligation of
Directorate of
Enforcement to
cooperate with
OAC.

38C. The Directorate of Enforcement shall cooperate with and provide necessary information to the OAC to facilitate its oversight functions.

Punishment
for offences.

38D. (1) Any officer of the Directorate of Enforcement found guilty of abuse of power as per the provisions of this Act, shall be subject to disciplinary action and / or prosecution under the Prevention of Corruption Act, 1988 or any other relevant law for the time being in force.

(2) Where the OAC finds the officer of the Directorate of Enforcement guilty of exercising its powers beyond its jurisdiction or abusing its power, then in accordance with the findings of the OAC and the damage incurred to individuals or entities as a result of the actions of the officer, the Central Government shall provide compensation to address the damage relating to the individual's reputation, public image and potential future employment or occupational opportunities.

38E. (1) The OAC shall prepare in such format and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities during previous financial year and submit a copy thereof to the Central Government.

Annual Report.

(2) The Central Government shall cause the annual report prepared under sub-section (1) to be laid before each House of Parliament as soon as after its receipt.

Explanation.— For the purposes of this Chapter, the term “abuse of power” shall include any action or practice by the Directorate of Enforcement that contravenes the principles of justice, rule of law and transparency, with the intent of harassing, intimidating, or creating undue influence over individuals or entities.”.

STATEMENT OF OBJECTS AND REASONS

The Enforcement Directorate (ED) was established in 1956 as an “Enforcement Unit” to investigate violations of the Foreign Exchange Regulation Act, 1947, under the Department of Economic Affairs. Subsequently, it was renamed the “Enforcement Directorate” and its administrative oversight shifted to the Department of Revenue in 1960. In 1973, the Act was replaced, leading to a shift to the Department of Personnel and Administrative Reforms. In 1977, it returned to the Department of Revenue. In 1999, the Foreign Exchange Management Act, 1999, replaced the earlier legislation.

After facing a balance of payments crisis in 1991-92 and experiencing a significant drop in foreign exchange reserves, policymakers aimed to revamp the regulatory framework. As India’s foreign exchange reserves began to recover in 1993, driven by economic liberalization and foreign investments, discussions revolved around easing rules for overseas expenses and making the rupee convertible on the current account. Government had announced the rupee’s convertibility on the current account in the 1994-95 Budget, signifying a shift in India’s foreign exchange regulations. The replacement of the Foreign Exchange Regulation Act (FERA) with a new law, FEMA, was undertaken to reflect changing economic realities and promote external trade and foreign exchange market development. FEMA marked a shift from criminal offenses to civil offenses, and it introduced monetary penalties for violations. However, enforcement agencies initially resisted this transition, citing concerns about potential misuse.

Despite concerns and resistance from enforcement agencies, including the Enforcement Directorate, regarding the removal of the threat of criminal action, the Government proceeded with FEMA. This marked a shift toward a more liberalized approach to foreign exchange management, emphasizing monetary penalties as a deterrent rather than criminal prosecution.

However, the role of the Enforcement Directorate expanded significantly when the Prevention of Money Laundering Act, 2002 was introduced. This legislation granted the Directorate additional powers, designating it as an enforcement authority for an Act which considered money laundering as a criminal offense, in contrast to the civil nature of FEMA.

Notably, the existing legal framework under the FEMA does not explicitly define penalties or disciplinary actions for officers of the Enforcement Directorate in cases of the misuse of their powers.

In light of these concerns, it is essential to introduce safeguards and criteria that prevent misuse of powers and ensure that the enforcement agency operates transparently, fairly, and in accordance with principles of justice. Therefore, this Bill seeks to amend the Foreign Exchange Management Act, 1999, to establish an Oversight and Accountability Committee (OAC) to oversee the Enforcement Directorate’s actions and investigations under the Act. Additionally, the Bill introduces punishment for any authority officer found guilty of abusing their power.

The aim is to bring about accountability, transparency, and fairness in the functioning of the Enforcement Directorate, and to prevent its misuse for political

purposes or harassment. It is imperative that enforcement agencies operate within the boundaries of the law and uphold the principles of justice and individual rights.

Hence this Bill.

NEW DELHI;

ARVIND GANPAT SAWANT

March 4, 2025

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 38A provides for establishment of the Oversight and Accountability Committee to oversee the task of reviewing the functioning of authorities under the Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. However, at this point, it is not possible to assess the expenditure of either recurring or non-recurring nature which is likely to be incurred.

Bill No. 75 of 2025

A Bill further to amend the Prevention of Money Laundering Act, 2002.

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

1. (1) This Act may be called the Prevention of Money Laundering (Amendment) Act, 2025. 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.

15 of 2003.

2. In section 49 of the Prevention of Money Laundering Act, 2002, Amendment of section 49. (hereinafter known as the principal Act), after sub-section (3), the following sub-section shall be inserted, namely:-

"(3A) The Director, while exercising powers under this Act, shall ensure that such powers are exercised in a transparent, just and accountable manner, without infringing upon the rights and dignity of individuals or entities under inquiry." .

3. For section 52 of the principal Act, the following section shall be substituted, namely,- Substitution of new section for section 52.

"52. The Central Government may, from time to time, issue such administrative orders, instructions and directions to the authorities as it may deem fit for the proper administration of this Act and such authorities and all other persons employed in execution of this Act shall observe and follow such orders, instructions and directions of the Central Government: Power of Central Government to issue directions, etc.

Provided that no such orders, instructions or directions shall be issued so as to—

- (a) require any authority to decide a particular case in a particular manner; or
- (b) interfere with the discretion of the Adjudicating Authority in exercise of his functions; or
- (c) cause any political or extraneous influence on the authorities."

4. After Chapter VIII of the Principal Act, the following new Chapter and sections thereunder shall be inserted: Insertion of new Chapter VIIIA.

"CHAPTER VIIIA OVERSIGHT and ACCOUNTABILITY

54A. (1) There shall be established an Oversight and Accountability Committee (hereinafter referred to as OAC), consisting of eminent legal experts, retired judges, and senior bureaucrats, to oversee the conduct of investigations and actions taken by the Authority under this Act to be appointed by the Central Vigilance Commission, in consultation with the Central Government, in such manner as may be prescribed. Oversight and Accountability Committee.

(2) The OAC shall have the authority to review cases and actions taken by the authorities to ensure that they adhere to principles of justice, transparency and fairness.

(3) The OAC shall also investigate complaints related to any malpractices, abuse of power, inquiry beyond jurisdiction and the like by the authorities.

(4) The OAC shall submit an annual report to the Central Government which shall cause it to be laid before each House of Parliament, outlining its findings and recommendations.

(5) The authorities shall cooperate with and provide necessary information to the OAC to facilitate its oversight functions.

Explanation.- For the purposes of this section, the term “abuse of power” shall mean to include any action or practice by the Authority that contravenes the principles of justice, rule of law, and transparency, with the intent of harassing, intimidating, or creating undue influence over individuals or entities.

54B. The OAC shall be established by the Central Vigilance Commission for a period of three years. Appointment of the OAC.

54C. The OAC shall have powers and administrative functions as prescribed by the Central Vigilance Commission, from time to time.” Powers of the OAC.

5. After section 62 of the principal Act, the following section shall be inserted, namely,- Insertion of new section 62A.

“62A. (1) Any authority or an officer found guilty of abuse of power, as per the provisions of this Act, shall be subject to disciplinary action and/or prosecution under the Prevention of Corruption Act, 1988 or any other relevant law for the time being in force. Punishment for Offences.

(2) Where the OAC finds the authority or any of its officer guilty of exercising its powers beyond its jurisdiction or abusing its powers, then in accordance with the findings of the OAC and the damage incurred by individuals or entities as a result of the actions of the authority, the Central Government shall bear responsibility of providing compensation to address the damage relating to the individual’s reputation, public image, and potential future employment or occupational opportunities.”.

STATEMENT OF OBJECTS AND REASONS

The Enforcement Directorate (ED) was established in 1956 as an "Enforcement Unit" to investigate violations of the Foreign Exchange Regulation Act, 1947, under the Department of Economic Affairs. Subsequently, it was renamed the "Enforcement Directorate" and its administrative oversight shifted to the Department of Revenue in 1960. In 1973, the Act was replaced, leading to a shift to the Department of Personnel and Administrative Reforms. In 1977, it returned to the Department of Revenue. In 1999, the Foreign Exchange Management Act, 1999, replaced the earlier legislation. The ED's role expanded with the introduction of the Prevention of Money Laundering Act, 2002, and the Fugitive Economic Offenders Act, 2018, adding to existing foreign exchange laws, and it gained the authority to initiate cases of preventive detention under Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA). Except for the Prevention of Money Laundering Act, 2002, which is criminal, the other laws are civil in nature.

At present, the Enforcement Directorate administers five enactments, with the Prevention of Money Laundering Act, 2002, being the most frequently utilized as it has stringent bail conditions. This Act empowers the ED to attach properties and assets of the accused, and it further makes the statements of an accused recorded before an investigating officer of the ED admissible in a court of law which otherwise is not the case with a police officer.

The government has introduced changes to the Prevention Of Money Laundering (Maintenance Of Records) Amendment Rules, 2023, mandating that banks and financial institutions must now document financial transactions of politically exposed persons (PEPs) under the Prevention of Money Laundering Act. PEPs are defined as individuals with significant public roles in foreign countries, such as heads of state, senior politicians, government and military officials, state-owned corporation executives, and key political party officials.

Despite the expansion of the Enforcement Directorate's powers in regulating politically exposed individuals, there remains a significant gap in establishing a regulatory framework for the Enforcement Directorate itself. Notably, the existing legal framework under the Prevention of Money Laundering Act, 2002, does not explicitly define penalties or disciplinary actions for officers of the Enforcement Directorate in cases of the misuse of their powers.

In light of these concerns and allegations, it is essential to introduce safeguards and criteria that prevent misuse of powers and ensure that the enforcement agency operates transparently, fairly, and in accordance with principles of justice. Therefore, this Bill seeks to amend the Prevention of Money Laundering Act, 2002, to establish an Oversight and Accountability Committee (OAC) to oversee the Enforcement Directorate's actions and investigations under the Act. Additionally, the Bill introduces punishment for any authority officer found guilty of abusing their power.

The aim is to bring about accountability, transparency, and fairness in the functioning of the Enforcement Directorate, and to prevent its misuse for political purposes or harassment. It is imperative that enforcement agencies operate within the boundaries of the law and uphold the principles of justice and individual rights.

Hence this Bill.

NEW DELHI;

ARVIND GANPAT SAWANT

March 18, 2025.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides the constitution of the Oversight and Accountability Committee to oversee the task of reviewing the functioning of authorities under the Prevention of Money Laundering Act, 2002. The members of the Committee shall be appointed by the Central Vigilance Commission. The Bill, therefore, if enacted, is likely to be involved expenditure from the Consolidated Fund of India. At this point, it is not possible to assess the actual financial expenditure likely to be incurred.

Bill No. 73 of 2025

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

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

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2025.

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.

35 of 2009.

2. In section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:—

Amendment of
section 2.

“(ba) “Central Board for Secondary Education” means a National-level board of education in India for public and private schools, controlled and managed by the Government of India to oversee and regulate education which is responsible for setting

educational standards, uniform curriculum development, teacher training, assessment methods, and ensuring the overall quality of primary education in the country to provide a uniform and high-quality education system.”.

Insertion of new section 8A.

Quality Assurance and Monitoring of schools imparting Primary Education.

3. After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8A. (1) The appropriate Government shall establish mechanisms for quality assurance and continuous monitoring of schools imparting elementary education to ensure effective implementation of a uniform curriculum as prescribed by the Central Board of Secondary Education.

(2) The appropriate Government shall conduct periodic assessment to monitor the academic progress of students and the effectiveness of the uniform curriculum with the results of these assessments to be made publicly available in such manner as may be prescribed.”

Insertion of new sections 29A, 29B, 29C, 29D and 29E.

CBSE to act as Governing body for primary education.

Role of CBSE in designing uniform curriculum for primary education.

4. After section 29 of the principal Act, the following sections shall be inserted, namely:—

“29A. The Central Government shall, by notification in the Official Gazette, make Central Board of Secondary Education the governing body to regulate the curriculum for elementary education across the country.”.

29B. With respect to elementary education, the Central Board of Secondary Education shall,—

(i) prescribe a uniform syllabus for elementary education, in consultation with State Governments and educational experts, which shall be applicable to all primary education schools in the country;

(ii) ensure that a uniform syllabus is comprehensive, age-appropriate and designed to provide a holistic education to students, ensuring the development of knowledge, skills and values;

(iii) ensure that the curriculum also inculcates the regional and linguistic diversity; and

(iv) ensure that schools abide by the curriculum designed by it for primary education across the country.

Implementation of uniformity in education by Recognised schools.

29C. (1) Every recognized school imparting elementary education shall be required to implement the prescribed uniform curriculum recommended by the Central Board of Secondary Education within one year from the date of commencement of this Act.

(2) The appropriate Government shall provide the necessary support and resources to facilitate the effective implementation of the uniform curriculum;

Fund.

“29D. The appropriate Government shall provide sufficient funds to meet the administrative expenditure incurred for following the uniform curriculum of Central Board of Secondary Education.”.

Penalties for Non-compliance.

“29E. (1) An elementary education school which fails to implement the prescribed uniform curriculum of Central Board of Secondary Education shall be liable for penalties including suspension or cancellation of recognition.

(2) The penalties under sub-section (1) shall be determined by the appropriate government and shall be commensurate with the level of non-compliance.”.

STATEMENT OF OBJECTS AND REASONS

The current state of elementary education in India exhibits a notable lack of uniformity in the curriculum, particularly within the various state and educational boards. In order to bridge the gap, a uniform curriculum for primary education needs to be set up for an equal foundation for the children. In the constitution, article 21A which enshrines the Right to Education, should be interpreted in a manner that aligns with Article 14, Article 15, and the Preamble of the Constitution. This interpretation calls for the elimination of any form of discrimination in the quality of education across all regions of India.

To realize the full scope of a child's right, it is essential that the concept extends beyond mere free and compulsory education. It must encompass the establishment of a standardized education system, with no discrimination based on a child's social, economic, religious, or cultural background. Recently, a PIL on 'One Nation, One Board' was also filed in the High Court which demanded the implementation of uniform school and education boards across the country thereby showcasing the need of forming a uniform curriculum and ensuring the fundamental right of education to every child.

Notably, despite the Right To Education Act 2009 ensuring free and compulsory education for children in the 6-14 age group, students in state-funded public schools, particularly in state-funded minority schools, do not appear to be on an equal footing with their peers in Central Board of Secondary Education, Indian Certificate of Secondary Education or State Board affiliated government and private schools. Therefore, a value-based uniform education system, complete with a common syllabus and curriculum, has become an imperative need of the hour.

A uniform education system with a common syllabus and curriculum at the primary level will offer several advantages. First, it will ensure equal opportunities for all students across India, in accordance with the principles articulated in Articles 14-16 of the Constitution. Such a system will promote fraternity, unity, and national integration among students from different educational boards. Secondly, It will mitigate linguistic and regional divisions and eliminate disparities related to economic backgrounds, creating a level playing field for all students in pursuit of their aspirations.

Hence, this amendment to Right to Education 2009 proposes to establish CBSE as the sole governing education board which will be responsible for bringing uniformity in the curriculum for primary education. CBSE will also be responsible for keeping in check the quality of the syllabus as well as monitoring and assessment of various stakeholders involved in the process.

Hence this Bill.

NEW DELHI;
March 18, 2025

ARVIND GANPAT SAWANT

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 8A stipulates that the appropriate Government shall establish mechanism for quality assurance and continuous monitoring of schools for effective primary education. Clause 4, *vide* proposed section 29C provides for necessary support and resources to be given by the appropriate Government for effective implementation of the uniform curriculum. Further proposed section 29D provides for funds to be given by the appropriate Government to meet the administrative expenditure incurred for uniform curriculum. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would be involved from the Consolidated Fund of India.

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

Bill No. 44 of 2024

A Bill to amend the Mental Healthcare Act, 2017.

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 Mental Healthcare (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.

Amendment of
section 2.

2. In section 2 of the Mental Healthcare Act, 2017 (hereinafter referred to as the principle Act),—

10 of 2017

(a) after clause (g), the following clauses shall be inserted, namely:—

‘(ga) “counsellor” means a medical practitioner possessing a post-graduate degree or post-graduate diploma in counselling psychology awarded by an university recognised by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognised by the National Board of Examination and included in the First Schedule to the National Medical Commission Act, 2019 or recognised by the National Medical Commission, constituted under the National Medical Commission Act, 2019, and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in Counselling Psychology, has been declared by the Government of that State to be a Counselling Psychologist for the purposes of this Act;

3 of 1956

30 of 2019

30 of 2019

(gb) “establishment” means a shop, a commercial establishment, residential hotel, restaurant, eating-house, theatre or other places of public amusement or entertainment to which the relevant State’s Shops and Establishment Act applies and includes such other establishment as the appropriate Government may, by notification in the Official Gazette, declare to be an establishment for the purpose of this Act;’; and

(b) the existing clause (zb) shall be remember as clause (zc) and before the clause (zc) as so remembered, the following clause shall be inserted, namely:—

‘(zb) “school” means any recognized school imparting secondary or senior secondary education.’.

Insertion of new
Chapter XIII A.

3. After Chapter XIII of the principal Act, the following Chapter and section thereunder shall be inserted, namely:—

“CHAPTER XIII A RESPONSIBILITIES OF SCHOOLS AND ESTABLISHMENTS

Responsibilities
of Schools and
Establishments.

105A. (1) Every school or establishment with more than fifty persons either employed or enrolled shall have at least one empanelled counsellor to be appointed by the school or establishment.

(2) The counsellor shall visit the establishment or school for at least thirty-two hours in fifteen days or at such frequency as may be prescribed.

(3) The remuneration of the counsellor shall be as per a formal contract signed between the counsellor and the school or establishment.

(4) The counsellor shall not be involved with the school establishment in any other capacity, including board membership, share holding, administrative or professional responsibilities or in any other capacity that would constitute a conflict of interest with respect to his responsibilities as an empanelled counsellor at the school or establishment.”.

Amendment of
section 121.

4. In section 121 of the principal Act, in sub-section (4), after clause (s), the following clause shall be inserted, namely:—

“(sa) frequency of visit of counsellor to schools and establishments under sub-section (2) of section 105A;”.

STATEMENT OF OBJECTS AND REASONS

The Mental Healthcare Act of 2017 was enacted to recognize, protect and promote the rights of persons with mental illnesses and promote their access to mental healthcare in the country. The 2011 Census pointed out that there are 15,05,624 persons with mental illnesses in the country. Reports by international organizations like WHO and national institutes like NIMHANS highlight the severity of the situation in multiple reports in the recent years. Today, there is a need to recognize the challenges related to mental health at workplace. Issues of workplace discrimination, stress, verbal and sexual abuse etc. are being highlighted every now and then. The National Mental Health Survey points out that there are an estimated 150 million Indians in need of mental healthcare services. While the institutional efforts so far have been aimed at providing access to mental healthcare to the common man, a preventive and early identification mechanism would contribute significantly in reducing the institutional deficiencies in addressing this challenge.

With this background, the Bill aims to —

(1) make it mandatory for establishments, including schools, institutions and corporate offices, to have an empanelled counsellor; and

(2) address a possible conflict of interest for such consellers.

Hence this Bill.

NEW DELHI;
June 18, 2024.

RAJIV PRATAP RUDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides appointment of counsellors in schools or establishments. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees One thousand crore per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides for the State Government to make rules regarding frequency of visit of counsellor to schools or establishments. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

Bill No. 62 of 2025

A Bill to provide for the prevention of reptile bite incidents, improvement of treatment facilities for victims of reptile bites, effective treatment, social security benefits and conservation of reptile species and awareness towards reptiles and for matters connected therewith or incidental thereto.

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

CHAPTER I**PRELIMINARY**

1. (1) This Act may be called as the Reptile Bite (Prevention and Treatment) and Reptile Conservation Act, 2025.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

(a) “appropriate Government” means in the case of a State, the Government of that State, and in all case, the Central Government;

(b) “reptile conservation” refers to the measures and strategies implemented to protect and preserve Reptile species, particularly those threatened by habitat loss, human-wildlife conflict and climate change;

(c) “climate change” refers to long-term changes in temperature, precipitation patterns, and other environmental factors that affect ecosystems, including reptile behaviour and distribution;

(d) “disability pension” refers to the financial assistance provided to victims who suffer permanent disability due to a reptile bite;

(e) “first responder” refers to an individual, often from the community, trained to provide immediate first aid and basic life support to reptile bite victims;

(f) “health care facility” means any public or private hospital, clinic, or medical institution providing treatment to reptile bite victims.

(g) “high-risk area” means a geographical location identified as having a high incidence of reptile bites based on historical data and environmental conditions;

(h) “reptile bite” means any incident where a human is bitten by a reptile, whether venomous or non-venomous leading to injury or death; and

(i) “reptile” includes reptiles lizards and other cold-blooded reptiles that may pose a danger to human life through venomous bites;

(j) “reptile bite” means the penetration of skin by the fangs of a Reptile, leading to envenomation or injury;

(k) “antivenom” refers to the biological product used in the treatment of Envenomation caused by reptile bites which neutralizes the venom’s toxic effects;

(l) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

PREVENTION OF REPTILE BITES

Public
Awareness
Programmes on
Prevention of
Reptile bites.

3. (1) The Central Government shall, in coordination with State Governments, conduct regular public awareness campaigns on the prevention of reptile bites, especially in high-risk areas.

(2) The awareness campaigns shall focus on,—

(a) dissemination of information on identifying venomous reptiles, preventive measures and first aid techniques;

(b) use of mass media, including radio, television, social media, and mobile applications to reach diverse populations, especially in rural areas;

(c) development of educational materials including posters, pamphlets and videos in local languages to ensure accessibility to larger population; and

(d) the importance of reptile conservation, emphasizing the ecological role of reptiles in controlling pests and maintaining biodiversity.

(3) The appropriate Government may also launch special campaigns in response to seasonal increases in reptile bite incidents, linked to climate change-induced extreme weather events, such as floods, droughts, and rising temperatures, which alter reptile behaviour and increase human-reptile encounters.

Training and
Capacity
Building.

4. (1) The appropriate Government shall ensure that,—

(a) healthcare professionals, including doctors, nurses and paramedics are trained in the management of reptile bites, including the administration of antivenom, emergency care and the management of complications arising therefore;

(b) specialized training programs are developed and conducted regularly, particularly in regions with a high incidence of reptile bites;

(c) community members, particularly in high-risk areas, are trained as First Responders which shall cover basic life support, the identification of Reptile species and the administration of first aid for reptile bites;

(d) training centres are established at the district level to facilitate ongoing capacity building of community volunteers and local health workers;

(e) schools in high-risk areas integrate reptile bite prevention and first aid training into their curriculum and students, teachers and staff are educated on identifying reptiles, avoiding reptile bites, and providing first aid;

(f) regular drills and workshops are conducted to ensure preparedness and reduce panic during reptile bite incidents;

(g) mobile applications and online platforms are developed and deployed to provide training on reptile bite management which shall include instructional videos, interactive modules and real-time support for First Responders and healthcare professionals; and

(h) telemedicine services are enhanced to provide expert guidance to healthcare facilities and First Responders in remote areas during reptile bite emergencies.

5. (1) The Central Government shall, in consultation with State Governments, develop a comprehensive reptile bite Risk Map identifying high-risk areas for reptile bites across the country.

Reptile bite risk mapping.

(2) The map under sub-section (1) shall be,—

(a) based on historical data, environmental conditions and emerging trends, including the effects of climate change on Reptile habitats and behaviour; and

(b) updated periodically to reflect changes in risk levels, especially in response to climate change-induced shifts in reptile populations and human-reptile interactions.

(3) The reptile bite Risk Map developed under sub-section (1) shall be made publicly accessible and used to guide public health interventions, resource allocation, and awareness campaigns.

(4) The appropriate Government shall establish a network of sentinel sites in high-risk areas to monitor reptile bite incidents, collect data on reptile populations, and assess the impact of environmental changes on reptile behaviour.

CHAPTER III

TREATMENT OF REPTILE BITE VICTIMS

6. The appropriate Government shall,—

(a) ensure the availability of sufficient and high-quality antivenom in all healthcare facilities, especially in high-risk areas;

(b) regulate the production and distribution of antivenom to prevent shortages and ensure equitable access across the country; and

(c) establish regional antivenom production units to reduce dependency on centralized manufacturing and ensure quicker distribution to remote areas.

Availability of Antivenom.

7. (1) The appropriate Government shall ensure that every Healthcare Facility under its jurisdiction report cases of reptile bites to a central database within 24 hours of admission, detailing the nature of the bite, treatment provided, and outcome.

Reporting of Loss of reptile bites.

(2) The database under sub-section (1) shall be accessible to relevant authorities for monitoring and policy-making purposes in such manner as may be prescribed.

8. (1) The appropriate Government shall ensure that,—

(a) victims of reptile bites are entitled to free treatment at any Healthcare Facility which shall include the administration of antivenom, emergency care, and any subsequent medical treatment as may be required;

Social security benefits to reptile bite victims.

(b) reptile bite victims are covered under the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PMJAY) and other relevant National and State Health Insurance Schemes and the treatment of reptile bites is included in the list of covered medical

procedures under these schemes;

(c) the expense incurred by the private Healthcare Facilities that provide free treatment to reptile bite victims under this Act are reimbursed;

(d) reptile bite treatment are included in their respective health schemes to ensure that such treatments are provided free of cost or under subsidized rates to victims who may not be covered under the national schemes;

(e) reptile bite victims are being included under the Pradhan Mantri Suraksha Bima Yojana (PMSBY) for accidental death and disability cover of rupees two lakh at a nominal premium; and

(f) reptile bite victims are enrolled in the Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM) pension scheme, providing a minimum assured pension of rupees three thousand per month after attaining the age of sixty years.

CHAPTER IV

REHABILITATION AND COMPENSATION

9. (1) The appropriate Government shall,—

(a) establish specialized rehabilitation centres in high-risk areas to provide comprehensive care for reptile bite victims;

(b) provide physical rehabilitation including physiotherapy, prosthetics, and other necessary medical interventions for victims suffering from long-term disabilities in the rehabilitation centre;

(c) provide psychological support including Counselling services for victims and their families to address trauma, anxiety and other mental health issues arising from reptile bite incidents;

(d) reptile bite victims are provided assistance in reintegrating victims into society, including support for education and employment where needed;

(e) formulate programmes aimed at equipping victims with skills to secure alternative livelihoods, especially for those who have lost their ability to perform their previous jobs due to reptile bite related disabilities; and

(f) made special provisions for the rehabilitation of vulnerable groups, including women, children and the elderly.

10. The appropriate Government shall,—

(a) In the event of a death caused by a reptile bite, provide the family of the deceased a payment of compensation which shall not be less than rupees five lakh to be provided within a reasonable time frame to support the family in their time of need;

(b) provide to the victim who suffer permanent disability due to a reptile bite,—

(i) appropriate financial assistance in the form of disability pension to ensure the victim's well-being and support in maintaining his quality of life during his life; and

(ii) in addition to the disability pension under sub-clause (i), a one-time compensation amount of not less than rupees three lakh to the victims to meet immediate financial needs.

11. (1) The appropriate Government shall constitute a Special Fund for the purpose of disbursement of compensation payable to Reptile bite victims and their families under section 10.

(2) The special Fund shall be credited such amount of funds by the Central Government and State Government in such proportion as may be prescribed.

12. In cases where victim is unable to return to his previous employment due to disability, provide continuous support, including vocational training, micro-finance opportunities and job placement assistance to help them secure alternative livelihoods in such manner as may be prescribed.

Establishment
of rehabilitation
centre.

Compensation
to victims and
families.

Constitution
of special fund
for payment of
compensation to
reptile bite victims.

Appropriate
Government to
provide support
in case of loss of
employment due to
reptile bite.

13. (1) The appropriate Government shall identify communities disproportionately affected by Reptile bites, especially those residing in high-risk areas and implement targeted schemes to improve their socio-economic conditions.

Schemes for welfare of Reptile bites victims.

(2) The schemes under sub-section (1), shall include,—

(a) establishing local health centres equipped to handle reptile bite cases, providing regular medical check-ups and ensuring access to necessary treatments;

(b) special programmes to educate communities on reptile bite prevention, safe agricultural practices and wildlife conservation; and

(c) providing financial support and livelihood opportunities to reduce the economic impact of reptile bite incidents on vulnerable communities.

CHAPTER V

RESEARCH, CONSERVATION AND EDUCATION

14. (1) The appropriate Government,—

(a) promote and provide financial assistance for research initiatives focused on developing more effective antivenoms including research into polyvalent antivenoms that may neutralize the venom of multiple reptile species;

Research on conservation of Reptiles.

(b) conducting clinical trials and studies to refine and standardize treatment protocols for reptile bite management;

(c) undertake research study on understanding reptile behaviour particularly in relation to climate change and environmental shifts affecting reptile distribution, activity patterns and human-Reptile interactions;

(d) conduct research on the conservation of reptile species, understanding their ecological role, and developing strategies to mitigate human-reptile conflict while preserving biodiversity; and

(e) encourage collaborative research with international institutions and local universities to foster innovation and knowledge exchange.

15. (1) The appropriate Government shall maintain a centralized, publicly accessible database to collect data on the location, frequency, and severity of reptile bites, along with treatment outcomes.

Data collection and Monitoring.

(2) The database under sub-section (1),—

(a) track the distribution and behaviour of reptile species, particularly in relation to climate change;

(b) monitor the availability of anti-venom, trained personnel, and necessary equipment in healthcare facilities across the country;

(c) include information on the population of reptile species in the country, monitoring fluctuations and ensuring that conservation measures are responsive to any declines; and

(d) be updated in real-time and used to guide policy decisions, resource allocation, and public health interventions.

(3) While collecting the database, the appropriate Government shall,—

(a) identify the threats on the natural habitats of reptiles including habitat destruction or encroachment with a view to implement protective measures to maintain and restore their environments.

(b) give special attention to threatened or endangered reptile species, ensuring that their populations are protected through habitat preservation efforts and regulatory measures.

(4) The appropriate Government shall propose an Annual report on reptile bite incidents, reptile populations, habitat changes, and government responses which shall be published and disseminated to the public, in such manner as may be prescribed.

Reptile
Conservation
and Habitat
Protection.

16. (1) The appropriate Government shall formulate and implement programmes aimed at conserving reptile species and protecting their natural habitats.

(2) The programmes under sub-section (1) shall include,—

(a) initiatives to restore and preserve critical reptile habitats, particularly in areas where habitat destruction is leading to increased human-reptile conflicts.

(b) strengthening the legal framework to protect threatened Reptile species from poaching, habitat destruction, and other forms of harm.

(c) educating and involving local communities in conservation efforts, promoting coexistence, and reducing the likelihood of retaliatory killings of reptiles.

(d) developing strategies to help reptile populations adapt to changing environmental conditions caused by climate change, thereby reducing the risk of increased human-reptile encounters.

(3) The appropriate Government shall collaborate with environmental Non- Government Organisations, wildlife experts, international conservation bodies to implement the programmes formulated under sub-section (1) effectively.

Reptile
Management
in Medical
Education.

17. (1) The Central Government shall ensure that Reptile bite Management shall be introduced as a mandatory subject in the curriculum of all medical colleges and nursing schools across the country.

(2) The course on reptile management under sub-section (1) shall include,—

(a) training on the recognition of venomous and non-venomous reptiles and the implications for treatment;

(b) the administration of anti venom, managing complications and post-treatment care;

(c) understanding the epidemiology of reptile bites, the socio-economic impact on affected communities and strategies for prevention; and

(d) educating future healthcare professionals on the impact of climate change on reptile behaviour and the increasing incidence of reptile bites in new areas.

(3) The Central Government shall made available the Continuing Medical Education (CME) programmes on Reptile bite Management for practicing healthcare professionals to keep them updated on the latest developments and best practices.

CHAPTER VI

MISCELLANEOUS

Penalties.

18. Any person found guilty of not complying with the provisions of this Act shall be liable to a fine which shall not less than rupees fifty thousand and in the case of repeated offenses, licence of the healthcare facility may be cancelled.

Central
Government to
provide funds.

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

Act not in
derogation of
other laws.

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

Power of
Central
Government to
make rules.

21. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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

(a) the qualifications, experience, functions, powers, and terms and conditions of service of the officers and other employees of the Boards under sub-section (3) and (4) of section 3;

(b) the time and place of the meetings of the Committees and the procedure to be followed at such meetings under sub-section (1) of section 4 and the expenditure incurred on the meetings of the Boards under sub-section (3) of section 4;

(c) any other matter which is to be or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

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

STATEMENT OF OBJECTS AND REASONS

Reptile bite related deaths in India, particularly in rural regions, have emerged as a significant public health concern, necessitating a robust legislative framework. This Bill not only aims to reduce the incidence of such fatalities by ensuring the availability of anti-venom, providing free and timely medical treatment, and supporting the rehabilitation of victims and their families but also includes provisions for the conservation and protection of reptiles. Recognizing the ecological importance of reptiles in maintaining the balance of ecosystems, the Bill seeks to foster co-existence through awareness campaigns and conservation efforts, ensuring that public health measures do not compromise the survival of reptile species.

According to the World Health Organization (WHO), approximately 50,000 people die each year in India due to reptile bites. These deaths predominantly affect rural areas, where poor farmers and field workers face heightened risks. Reptile bite incidents are medical emergencies requiring immediate intervention to prevent fatalities and long-term disabilities. However, accessibility to timely and effective treatment, such as the provision of anti-venom, remains a challenge, especially in remote and underserved communities. This Bill aims to address these challenges by improving healthcare access and support for vulnerable populations.

Climate change has further intensified the situation, leading to an increase in human-reptile encounters. Rising temperatures, erratic weather patterns, and changes in land use have contributed to more frequent reptile bite incidents, placing communities at even greater risk. The Bill recognizes the need for a comprehensive approach to manage these climate-induced challenges and to protect vulnerable groups by ensuring adequate healthcare and emergency response mechanisms.

The Bill also seeks to establish mechanisms for rehabilitation and compensation for victims, providing free medical treatment and including reptile bite care under social security schemes like Ayushman Bharat. It further outlines support for long-term injury victims, such as disability pensions, financial aid, and vocational training programs. Public awareness campaigns are integral to the Bill, aiming to educate communities about prevention strategies, high-risk area mapping, and methods to promote coexistence with reptiles. In addition, the Bill introduces penalties for non-compliance with mandated treatment protocols and reporting requirements, ensuring accountability and proper care for reptile bite victims.

A critical aspect of this Bill is the conservation of reptiles, recognizing their vital ecological role in maintaining ecosystem balance by controlling rodent populations and supporting biodiversity. In light of climate change, it is essential to protect these species and promote awareness of their significance, fostering a harmonious relationship between humans and reptiles. By incorporating reptile protection measures, the Bill aims to ensure both public safety and ecological stability.

To ensure the effectiveness of the proposed measures, the Bill grants the Government the authority to frame and amend regulations as needed to respond to evolving challenges in reptile bite prevention, treatment, and conservation. This legislative framework provides a multi-dimensional approach, addressing public health and ecological concerns while promoting sustainable and effective solutions to the growing challenges posed by climate change.

Hence this Bill.

NEW DELHI;
November 7, 2024

RAJIV PRATAP RUDY

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for the establishment of rehabilitation centres. Clause 10 provides for compensation to victims and families in the event of a Death caused by reptile bite. Clause 11 provides for the Constitution of special fund for payment of compensation to reptile bite victims. Clause 12 provides that the appropriate Government shall provide support in case of loss of employment due to reptile bite. Clause 19 provides for the Central Government to provide adequate fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two crore and fourty thousand per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees sixty lakh is also likely to be incurred for survey.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules regarding the qualifications, experience, functions, powers, and terms and conditions of service of the officers and other employees of the Boards, the time and place of the meetings of the Boards and the procedure to be followed at such meetings, etc. As the matters in respect of which rules may be made by the Central Government are matters of procedure and administrative details only, the delegation of legislative power is, therefore, of a normal character.

Bill No. 23 of 2024

A Bill further to amend the All India Institutes of Medical Sciences Act, 1956.

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 All India Institutes of Medical Sciences Act, 2024.

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

Short title and
commencement.

Insertion of new
section 3A.

2. After section 3 of the All India Institutes of Medical Sciences Act, 1956, the following section shall be inserted, namely:—

25 of 1956.

Establishment
of All India
Institute of
Medical Science
at Nagina in the
State of Uttar
Pradesh.

“3A. (1) There shall be established an All India Institute of Medical Sciences at Nagina in the State of Uttar Pradesh which shall be a body corporate, to be known as the All India Institute of Medical Sciences, Nagina.

(2) The provision of this Act shall apply *mutatis mutandis* to the All India Institute of Medical Sciences, Nagina established under sub-section (1).”.

STATEMENT OF OBJECTS AND REASONS

The State of Uttar Pradesh has been demanding for establishment of an All India Institute of Medical Sciences at Nagina. Health infrastructures in our State is very poor. In recent years the number of communicable and lifestyle diseases in the State are on the rise due to rapid transit of our population and heavy population density. Day-by-day our country is witnessing new disease. The State needs a central institute like All India Institute of Medical Sciences at Nagina, Uttar Pradesh to combat emerging challenges in healthcare sector. This will enable the State to ensure that the health of its citizens is always protected.

The Bill, therefore, seeks to amend the All India Institutes of Medical Sciences Act, 1956 with a view to establish an All India Institute of Medical Sciences at Nagina in the State of Uttar Pradesh.

Hence this Bill.

NEW DELHI;
June 26, 2024.

CHANDRA SHEKHAR AZAD

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of an All India Institute of Medical Sciences at Nagina in the State of Uttar Pradesh. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees one thousand crore would be incurred per annum from the Consolidated Fund of India.

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

Bill No. 145 of 2024

A Bill to confer upon every farmer the right to realize a minimum price for their agricultural produce and for matters connected 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 Farmers Right to Guaranteed Minimum Price Realization of Agricultural Produce Act, 2024.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

(a) “agricultural produce” includes the agricultural produce specified under the Schedule;

(b) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(c) “Commission” means the Commission for Agricultural Costs and Prices (CACP) constituted under the Union Ministry of Agriculture and Farmers Welfare to recommend Minimum Support Prices (MSPs) to agricultural produces;

(d) “Department” means the Department for Guaranteed Minimum Support Price Realization constituted under section 6;

(e) “farmer” means any individual or group of individuals collectively including but not limited to an individual, forest-produce gatherer, farmer groups, cooperatives engaged in the agricultural activity in terms of growing crops and agricultural produce on self-owned or leased land;

(f) “guaranteed minimum support price” means the price that ensures a fifty per cent. profit on the comprehensive cost of production for any agricultural produce as determined under section 3, excluding any bonus announced and applicable for the respective agricultural produce for that crop season;

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

(h) “trader” means any individual or group of individuals collectively engaged in the direct purchase of agricultural produce from the farmer for direct consumption or further selling of agricultural produce, in same form or with value-addition, and includes but not limited to commission agents, purchasers and *arthiyas* or *adatiyas*.

CHAPTER II

GUARANTEE OF MINIMUM SUPPORT PRICE

Notification of Guaranteed Minimum Support Price for Agricultural Produce.

3. (1) The Central Government shall, on the basis of recommendation for guaranteed minimum support price for each agricultural produce as computed by the Commission under section 5, notify the guaranteed minimum price of each agricultural produce, as soon as possible, but not later than one month of the receipt of such recommendation from the Commission for Agricultural Costs and Prices in such manner as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the Central Government shall notify the guaranteed minimum support price two months before the start of *kharif* season on 1st day of April every year and two months before the start of *Rabi* season or 15th day of September every year, as applicable in such manner as may be prescribed.

State Government to notify Bonus.

4. The State Government shall, notify bonus on each agricultural produce, to be paid from the State Government exchequer in addition to the guaranteed minimum support price in case of—

(a) *Kharif* crops, one month before the start of *Kharif* season or 1st day of May of each calendar year; and

(b) *Rabi* crops, one month before the start of the *Rabi* season or 15th day of October of each calendar year.

Computation of guaranteed minimum support price for agricultural produce.

5. (1) The Commission shall recommend guaranteed minimum support price for all agricultural produce subject to quality standards as prescribed under sub-section (2) and (3) to the Central Government which shall not be less than a profit margin of at least fifty per cent. over and above the comprehensive cost of production including,—

(a) actual paid-out expenses incurred by farmers on seeds, fertilizers, pesticides, hired labour, fuel, irrigation and other inputs from outside, incurred in cash or kind;

(b) imputed value of unpaid family labour; and

(c) rentals and foregone interests on farmland and fixed agricultural assets.

(2) The Commission shall define the fair and acceptable quality standards for the agricultural produce for which the prices shall be notified as per section 3 and computed under sub-section (1).

(3) The Commission shall undertake an annual exercise to classify the quality parameters on the basis of which crops not meeting the fair and acceptable quality standards may be classified into different categories and announce the guaranteed minimum support prices of each category for all agricultural produce which may be based on guaranteed minimum support price adjusted for quality differentials.

(4) The Commission shall prescribe an indicative list of agricultural produce that may be grown in a particular sub-district considering the prevalent environment factors, including weather, groundwater patterns, soil health and other relevant environment factors.

CHAPTER III

DEPARTMENT OF GUARANTEED MINIMUM SUPPORT PRICES REALIZATION

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a Department to be known as the Department for Guaranteed Minimum Support Price Realization to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

Constitution of the Department for Guaranteed Minimum Support Price Realization.

(2) The Department shall consist of—

- (a) four farmer representatives;**
- (b) one Indian Administrative Services officer not below the rank of an Additional Secretary to the Central Government; and**
- (c) four agricultural experts with a distinguished record in agriculture policy formulation of not less than twenty years, to be appointed by the Central Government in such manner as may be prescribed.**

(3) The Department shall have its offices in every State to carry out the provisions of this Act and help in the facilitation and coordination of the functions vested to it under this Act with the respective State Governments.

(4) The offices of the Department in each State shall consist of such number of members appointed by the respective State Governments including representatives of agricultural economists and an Indian Administrative Services officer to be appointed by the respective State Government in such manner as may be prescribed:

Provided that the constitution of offices of the Department in each State shall be the same as may be decided by the Department through a consultative process from the State Governments concerned.

(5) The Central Government shall appoint such number of staff to the Department as may be required to carry out functions of this Act.

(6) All such staff members, including the members of the Department, shall be deemed to be public servants within the meaning of sub-section (28) of section 2 of the Bharatiya Nyay Sanhita, 2023.

(7) The salary and allowances payable to, and other terms and conditions of service of members and staff of the Department shall be such as may be prescribed.

7. The Department shall—

- (a) review and recommend to the Central Government on a half-yearly basis and at least two months before the start of *Rabi* or *Kharif* seasons regarding inclusion of any crop or agricultural produce including but not limited to spices, cereals, oilseeds, pulses, cash crops, dairy produce, fruits, vegetables in the Schedule;**
- (b) decide and notify the list of officers along with their roles and responsibilities to ensure the smooth implementation of this Act, which includes but not limited to—**
 - (i) the monitoring of auctions and payments for agricultural produce;**
 - (ii) *mandi* operations;**

Functions of the Department.

(iii) categorization, recording and decision for implementation of punitive actions or penalties;

(iv) payment of Compensation as prescribed under section 9:

Provided that the list of officers shall be prepared from a taluka level and be published along with their contact details in leading regional newspapers for complete transparency in such manner as may be prescribed;

(c) from time to time, advise the Union Ministry of Commerce and Industry on the import duties that may be levied so that the landed cost of imported agricultural produce is at least equal to the price stipulated under section 5; and

(d) maintenance of separate books of accounts and other records to prepare annual statements which shall be audited on an annual basis and the annual statements along with audit findings and recommendations to be tabled before each Houses of Parliament.

8. (1) The appropriate Government shall ensure that all agricultural markets (including Agriculture Produce Market Committee) commence the auction for all agricultural commodities at a base offer price not lesser than the guaranteed minimum support price notified by the Central Government under section 3.

(2) The appropriate Government shall, in order to procure agricultural commodities at or higher than the guaranteed minimum support price, establish adequate number of procurement Centres, either under direct control or through designated procurement agencies in a localized manner as far as possible, so that there exists a minimum of one Centre per three villages.

(3) For the purposes of sub-section (1), the Central Government, may appoint an independent Committee which shall,—

(a) evaluate the number of such procurement Centres required and their preferred village locations and submit their recommendations within a period of six months in such manner as may be prescribed;

(b) ensure increase and maintenance of storage capacity including cold storage and affordable access to such facilities to enable farmers to store their agricultural produce and sell at the time of procurement operations; and

(4) The appropriate Government shall ensure direct payments by the traders or procurement agency to the farmers bank account or in cash in absence of bank account within two days of such procurement.

(5) The appropriate Government shall aid and advice the Department to ensure compliance and cooperation from officers notified under clause (b) of section 7.

9. (1) Any farmer who is not paid by the trader the guaranteed minimum support price for his sale of agricultural produce shall be entitled to a compensation payable from the Fund constituted under section 10 which shall be equal to the difference between the guaranteed minimum support price and price paid to the farmer within a period of seven working days from the day the matter is brought to the notice by the aggrieved farmer.

(2) Where a farmer does not get instant and direct payment of guaranteed minimum support price of agricultural produce such farmers shall be entitled to get for compensation fixed at ten per cent. per annum on the total payment due from the buyer calculated on daily basis.

10. (1) The State Commission shall, by notification in the Official gazette, constitute and maintain a Fund to be known as the Farmers Compensation Fund for the payment of compensation to farmers for non-receipt of guaranteed minimum support prices or delayed payment for sale of agricultural produce under sub-section (1) of section 9.

(2) The Fund shall be credited all the amount of penalties collected under section 14.

11. All farmers shall be entitled to avail institutional credit from public institutions and public sector banks up to such per cent. of the value of the produce in lieu of the warehouse receipt, obtained post storage or sales of produce at the storage facilities as may be decided

Responsibility of appropriate Government to ensure payment of agricultural commodities on prices not less than guaranteed minimum support price.

Compulsory payment of compensation for not obtaining guaranteed minimum support price.

Constitution of Farmers Compensation Fund.

Farmers' Right to institutional credit.

by the Department within a period of three months from the date of application of credit from the farmer.

12. (1) Any formal or informal agreement, written or oral, or any implicit arrangement between the purchasing parties, including, but not limited to the control or influence of auction prices by traders, commission agents and private buyers shall be liable for penalties as mentioned under section 14 including the cancellation of license by the appropriate Government on complaint by aggrieved farmers or public interest groups.

Penalty.

(2) Any trader who abstains from purchasing any agricultural produce with a view to violate the rights conferred on farmers by this Act, especially for the quarter succeeding the seasonal harvest of a given commodity for one *Rabi* and *Kharif* season consecutively, shall be liable for penalties under section 14, including the cancellation of their license by the appropriate Government.

13. (1) Department shall constitute sub-district or Block level Dispute Resolution Committees for dispute resolution between the farmer and the trader or purchaser consisting of not more than seven members, comprising of officials from the respective State Agriculture Ministry to be appointed by the State Government concerned in such manner as may be prescribed.

Dispute
Resolution
Mechanism.

(2) The Dispute Resolution Committee constituted under sub-section (1) shall provide resolution to the grievances within thirty days from the receipt of such complaint from either party, failing which the complainant reserves the right to approach to the appropriate Court.

14. (1) Any trader, purchaser or commission agent, who contravenes the provision of section 12 shall be deemed to have committed a cognizable offence and punishable as under,—

Penalty.

(i) for the first time offence a penalty equal to the total deficit suffered by the farmers on account of the violation by the trader, purchaser or commission agent; or

(ii) for the second time offence a penalty equal to two times the total deficit suffered by farmers on account of the violation by trader, purchaser or commission agent; and

(iii) for the third time an imprisonment for a term upto six months and cancellation of license leading to stoppage of any future trading for all non Governmental traders.

(2) If any Government employee is found indulged in willful negligent in discharging of his duties stipulated under this Act, such employee shall be punished,—

(a) for the first time offence a penalty a half of his month salary; or

(b) for the second time offence a penalty of full months' salary with a warning; and

(c) for the third or subsequent time suspension from service till further notice as may be prescribed.

15. The provisions of this Act or any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law, or any instrument having effect by virtue of any law other than this Act.

Overriding
effect of Act.

16. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, as occasion requires, do anything not inconsistent with the provisions of this Act, which appears to them to be necessary for the purposes of removing the difficulty:

Power to
remove
difficulties.

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

17. (1) The appropriate Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

Power to make
rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following the session or the

successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

STATEMENT OF OBJECTS AND REASONS

The Minimum Support Price (MSP) declared by the Union Ministry of Agriculture and Farmers Welfare signals a right to the farmer to sell the agricultural produce at the declared price in case the open market prices fall in order to protect them from financial losses. Over the years, however, the efficacy of MSP has declined as most farmers do not receive the declared MSP, remaining at best limited to cereals within a handful of States. A close look at acreage and declared MSP, especially for pulses and oilseeds in recent years, illustrate that MSP has limited impact on acreage under a crop, as farmers have inadequate information and Government procurement agencies have focussed comparatively more on selected crops in selected geographies.

The Food Corporation of India (FCI), the primary frontrunners for procuring agricultural commodities from farmers, procures only a portion of marketed surplus even for wheat and paddy (~32% for wheat and 35% for paddy). They have been able to procure ~160 million MT of wheat and ~203 million MT of rice, against a production of ~500 million MT and ~561 million MT respectively, during FY 2016-17 to FY 2020-21. Despite increasing trend of procurement, about 70 per cent of all produce was sold outside these agencies, and quite possibly at rates lower than the Minimum Support Price (MSP). Herein, the small and marginal farmers, accounting for almost 80 per cent of all Indian farmers remain the worst affected, due to small produce, lack of access to Government procurement centres, logistics costs and delayed payments, thereby selling it to middlemen as an option of last resort with little profit if at all.

Despite the presence of 2477 principal regulated markets (APMC's) and 4843 sub-market yards (regulated by APMCs), many farmers do not have access to proper *mandis* for sales at competitive market prices. In places where they exist, the principal market yards and sub-market yards set up under the State Agriculture Produce Marketing Committee (APMC) have been found lacking in marketing infrastructure, with only a fraction of APMC markets having cold storage facilities and proper harvest management infrastructure for grading, packing and weighing. Poor digital connectivity and civic infrastructure only compounds to the existing deficiencies. In terms of access, the National Commission on Farmers (2006) recommended that regulated markets should be available for market area of 80 sq. km., yet the density of regulated markets varied from 116 sq. km. (Punjab) to 11,215 sq. km. (Meghalaya). In order to ensure access, the country would need an estimated 41,000 markets across the country.

The guaranteed realization of minimum support price will also have long term environmental benefits – especially on groundwater situation across the country. Groundwater stress in India remains at an all-time high. In Punjab, 80% of the blocks (talukas) are overexploited when it comes to groundwater. Rajasthan follows close with 71% of its blocks being overexploited whereas Haryana registers the metric at 61%. Thus, aquifers in majority of the areas in these States are subjected to a physically unsustainable situation wherein withdrawal is more than the recharge leading to long term declines in water table. We fundamentally remain a water stressed society, with per-capita water availability at 1500 cubic meters in 2011, a 64 per cent drop from independence era availability of 5000 cubic meters and water stress threshold of 1700 cubic meters. Much of the dependence on groundwater also comes from our choice of crops, growing water intensive crops in water scarce regions (e.g., paddy in Punjab, sugarcane in Maharashtra). The promise of a guaranteed MSP realization will provide farmers with the right set of incentives to make better choices for long term ecological and agricultural sustainability.

Quality also remains a key issue is reduced price realization of agricultural commodities, with MSP being applicable for crops at Fair and Acceptable Quality. The classification of each crop based on quality parameter and MSP price determination for various varieties depending on quality will reduce distress sales by farmers to purchasers, especially private parties. The quality differentials will also help in formalizing price of better varieties of crops (e.g., Basmati for rice, Sharbati for wheat).

The need is to provide for payment of compensation equal to the difference in value between sales price and MSP within seven days of matter being brought to attention by the aggrieved farmer. It will ensure quick payment to farmers and in line with agriculture credit linked to warehouse receipts will alleviate working capital distress for farmers.

The declaration of guaranteed MSP to farmers shall result in improved farm realization for potentially 93 million agricultural households, leading to resurgence in rural economy, consequent improvement in socio-economic outcomes and improved tax revenues for the Government. The declaration of minimum price realization shall provide an economic support to the agricultural community with such practice already implemented across different aspects of economy – be it labour (The Code on Wages, 2019 sets a floor wage taking into account the living standards and appropriate Government prescribes a minimum wage rate which is equal to or more than the floor rate), or land or even other crops like sugarcane.

In such situations, the guaranteed minimum support price needs to be declared for a significant majority of our agricultural produce, Government-sourced or otherwise.

Hence this Bill.

NEW DELHI;
July 10, 2024

CHANDRA SHEKHAR AZAD

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the Central Government constitute a Department for Guaranteed Minimum Support Price Realization for Agriculture Produce. It also provides for appointment of farmers and agricultural experts to the Department. Clause 8 of the bill provides that the appropriate Government shall, in order to procure agricultural produce at or higher than the guaranteed minimum support price, establish adequate number of procurement centers, either under direct control or through designated procurement agencies in a localized manner as far as possible, such that there exists a minimum of one Centre per five villages. Clause 10 provides for constitution and maintenance of a State Compensation Fund. Clause 13 provides for setting up of a Dispute Resolution Committee to redress complaints from farmers.

The Bill, therefore if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two lakh crore per annum would involve from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 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. 269 of 2024

A Bill to constitute a National Commission for Detection and Reporting of Cases of Atrocities and Caste Discrimination Against the Persons Belonging to the Scheduled Castes and Scheduled Tribes 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 Detection and Reporting of Cases of Atrocities and Caste Discrimination against the Persons Belonging to the Scheduled Castes and Scheduled Tribes Act, 2024. Short title, extent and commencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2.(1) In this Act unless the context otherwise requires-

Definitions.

(a) "atrocities" means atrocities as defined in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. (Act no. 33 of 1989);

(b) "caste discrimination" means any act which results in discrimination against a member of the Scheduled Castes or the Scheduled Tribes in violation of any existing law, rule, sub-rule or bye laws or regulation or absence of fair play in the process or put such member in disadvantageous position due to his caste factor in any form by any person other than the Scheduled Castes or the Scheduled Tribes;

(c) "Commission" means the National Commission for Detection and Reporting of Cases of Atrocities and Caste Discrimination Against the Persons Belonging to the Scheduled Castes and Scheduled Tribes constituted under section 3;

(d) prescribed means as may be prescribed under this Act; and

(e) "Scheduled Castes and Scheduled Tribes" shall have the meanings as assigned to them, respectively, under clause (24) and clause (25) of article 366 of the Constitution.

2. The words and expressions used but not defined in this Act and defined in the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) or the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) shall have the same meanings assigned to them, respectively, in those enactments.

3. **The Central Government shall, by notification in the official Gazette, constitute a body to be known as the National Commission for Detection and Reporting of Cases of Atrocities and Caste Discrimination against the Persons Belonging to the Scheduled Castes and the Scheduled Tribes and to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.**

Constitution of the National Commission for detection and reporting of cases of atrocities and caste discrimination against the Scheduled Castes and Scheduled Tribes.

2. The **Commission shall consist of-**

(i) a Chairperson, who shall be a retired Judge of the Supreme Court or a retired Chief Justice or a retired Justice of the High Court, preferably belonging to the Scheduled Castes or Scheduled Tribes, or a person who is or has been committed to the cause of welfare of the persons belonging to the Scheduled Castes or the Scheduled Tribes, to be nominated by the Central Government.

(ii) twenty Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organization committed to cause of welfare of the persons belonging to the Scheduled Castes or the Scheduled Tribes or administration, economic development, health, education or social welfare:

Provided that at least fifteen Members shall be from amongst the persons belonging to the Scheduled Castes and the Scheduled Tribes, respectively,

(iii) a Member-Secretary to be nominated by the Central Government, who shall be-

(i) an expert in the field of management, organizational structure or sociological movement, or

(ii) an officer not below the rank of Joint Secretary in the Central Government belonging to the Scheduled Castes or Scheduled Tribes , who holds an equivalent civil post under the Union with appropriate experience.

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

(2) The Chairperson or a Member (other than the Member-Secretary who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union) may, by writing and addressed to the Central Government, resign from the office of Chairperson or of the Member, as the case may be, at any time.

Term of office and conditions of service of Chairperson and Members National Commission

(3) The Central Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person-

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Central Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

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

5. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 11.

Salaries and allowances to be paid out of grants made under section 11.

7. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

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

8.(1) The Commission may set up such number of its offices at such places, throughout the country, as may it may consider necessary for detection and reporting of crime of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes, from time to time;

Offices of the Commission.

(2) The Commission shall have the power to depute such number of officers as it may think fit for the purpose of detection and reporting of cases throughout the country.

(3) The Officers of the Commission shall be given special assistance in discharge of their functions by the officials of the State Governments particularly by police officials in the States whenever such request is made in writing.

9. (1) The Commission shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by the Commission.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

10. The Commission shall-

Functions of the Commission.

(i) detect and report the crime of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes to the Home Secretary to the Central Government or State Government concerned, as the case may be, and ensure that there is no under reporting;

(ii) send the details of cases of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes detected to the Home Secretary of the Central Government or State Government concerned, as the case may be, irrespective of the fact that such cases have actually been registered by the police or not;

(iii) instill the feeling of security among the persons belonging to the Scheduled Castes/Scheduled Tribes that they are safe to enjoy their human rights and live their lives with dignity and respect;

(iv) sensitize the law enforcement agencies/machinery towards crimes against persons belonging to the Scheduled Castes and Scheduled Tribes by way of suggesting well structured training programme meetings, conferences, workshops and seminars for police personnel and other law enforcement against at all level;

(v) suggest material to be incorporated in the syllabi of various Police Training Centers/ Academics at all levels for creating awareness about their duties towards prevention of crime against weaker sections of the society particularly persons belonging to the Scheduled Castes and Scheduled Tribes;

(vi) suggest material to be incorporated in the syllabi of schools, colleges, educational institutions and universities to inculcate the values of egalitarian society in the minds of teachers and students in schools, colleges and universities and to abolish the practice of untouchability and create awareness amongst teachers and students about the importance of their roles in prevention of crime against the persons belonging to the Scheduled Castes and Scheduled Tribes;

(vii) take concrete steps to increase awareness in administration in general at district level to increase awareness about methods of preventing crime against persons belonging to the Scheduled Castes and Scheduled Tribes;

(viii) take steps to improve general awareness about legislation seeking to prevent crimes against persons belonging to the Scheduled Castes and Scheduled Tribes by-

(a) creating awareness through print and electronic media;

(b) developing a community monitoring system to check cases of violence, abuse and exploitation;

(c) involving community in creating and spreading awareness.

(d) organizing legal literacy and legal awareness;

(ix) ensure that proper mechanism is in place for safety and protection of persons belonging to the Scheduled Castes and Scheduled Tribes;

(x) encourage NGOs working in the area of combating crimes against the persons belonging to the Scheduled Castes and Scheduled Tribes and working with the district administration and police to prevent such crime;

(xi) encourage citizens groups/civil society to create awareness about the issues of atrocities and caste discrimination and help in bringing to light the cases of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes and also to assist the police in investigation of such crimes;

(xii) conduct study and suggest methods to overcome delay in registration of First Information Report in cases of crimes against the persons belonging to the Scheduled Castes and Scheduled Tribes;

(xiii) ensure proper supervision with the help of District Administration and Senior Police Officer at District level for timely completion of investigation and proper follow up of reports of cases of atrocities and caste discrimination against the persons belonging to the persons belonging to the Scheduled Castes and Scheduled Tribes;

(xiv) identify atrocity prone area for taking preventive measures to save life and property of the members of the Scheduled Castes and Scheduled Tribes communities and taking up matters with District Administration and police officers at District level to provide adequate infrastructure in such vulnerable areas for prevention of crimes against persons belonging to the Scheduled Castes and Scheduled Tribes;

(xv) help in economic and social rehabilitation of victims of atrocities and caste discrimination;

(xvi) conduct survey and studies to evaluate the working of legislations seeking to prevent atrocities and caste discrimination with reference to the problems being faced by police and judiciary in disposal of cases and take appropriate measures to resolve such problems;

(xvii) forward report of extreme violation of human rights and take all measures to prevent recurrence of such cases at initial stage;

(xviii) discuss issues resulting in delay in investigation and trial of cases of atrocities at least once in a month compulsorily at appropriate level in the State;

(xix) measures for swift and salutary punishment to public servants found guilty of neglect of duty and violence against persons belonging to the Scheduled Castes and Scheduled Tribes; and

(xx) undertake a comprehensive review of the effectiveness of the machinery in tackling the issues of atrocities and caste discrimination against the persons belonging to the Scheduled Castes and Scheduled Tribes;

11.(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Grants by the
Central
Government

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

12. (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 by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the observations of the Central Government shall be laid before each Houses of Parliament.

13. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report

14. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

Annual report and audit report to be laid before Parliament.

15. The Central Government shall consult the Commission on all major policy matters affecting the persons belonging to the Scheduled Castes or Scheduled Tribes.

Central Government to consult Commission.

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

Act not in derogation of any other law.

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

Power to remove difficulties.

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

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

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Entries 1 and 2 of List II - State List to the Seventh Schedule to the Constitution mention 'Public Order' and 'Police' are the subject matter of the State Governments and Union Territory Administrations. However article 15(4) enables the State to make special provisions for advancement of any socially and educationally backward classes of citizens including for the Scheduled Castes and Schedule Tribes. Article 15(3) of the Constitution enables the State to make special provisions for women and children which includes the women and children of the Scheduled Castes and the Scheduled Tribes communities. Article 17 abolishes the practice of Untouchability. However, the practice of Untouchability still persists in our society. There is no effective institutional mechanism of the Central Government at village level to prevent, detect, register, investigate, and prosecute all the crimes against the Scheduled Castes and the Scheduled Tribes communities. Absence of effective mechanisms to deal with cases at local level makes the situation worse for victims. There is an abysmal rate of prosecution in cases of atrocities. In view of the articles 15 and 17 of the Constitution central legislations such as "the Protection of Civil Rights Act 1955 and the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act 1989 have been enacted to check atrocities against SCs and STs People. To look after welfare of the Scheduled Castes and Scheduled Tribes , the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes and Parliamentary Committee on Welfare of SCs and STs are functioning but not proving that much effective to check the increasing the number of cases of atrocities against these communities. In the last few years particularly from 2019 to 2021 as per National Crime Records Bureau data there is an increasing number of atrocities against SCs and STs People. It appears that there is no mechanism of the Central Government to prevent, detect and report all these crimes of atrocities at village level or police station level in the States. There are also other reasons for these social evils such as lack of awareness of legislations to prevent atrocities among civil society, local administration, teachers, students and others. Lack of courage in public to be witness or approver of such crimes. The Police personnel in the States are not very much sensitive to deal with such cases properly due lack of focused training, set up caste ridden society at local level and lack of public support in detection and reporting of cases of atrocities against the persons belonging to the Scheduled Castes and the Scheduled Tribes. Therefore, there is an urgent need for plugging the loopholes in our system to deal with the cases of atrocities and provide the appropriate guidelines to be followed and implemented in the right manner. The bill seeks to establish a National Commission with its offices at local level to prevent, detect and report the cases of atrocities and other crimes against the SCs and STs Communities. It further provides to

strengthen and streamline time bound investigation procedures to be followed by police while dealing such cases. The Bill also suggests ways to encourage civil society and youth in schools, colleges and Universities to come forward to create an egalitarian society. The Bill seeks to achieve the above objectives

Hence this Bill.

NEW DELHI;

CHANDRA SHEKHAR AZAD

June 12, 2024.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Commission for prevention, detection, and reporting of crimes of atrocities and caste discrimination against the persons belonging to the SCs and STs Communities. Clause 5 provides for salaries and allowances to be paid to the officer and employees of the National Commission. Clause 6 provides for salary and allowances of the Chairperson and Members of the National Commission. Clause 10 provides for improving general awareness about legislation seeking to prevent crimes against SCs/STs by the Commission. Clause 11 provides that the Central Government shall, by way of an appropriation by the Parliament, provide the funds to the National Commission. The Bill, if enacted, will involve fund from the consolidated fund of India. It will involve rupees one hundred crore recurring amount from the consolidated fund of India. It also requires non recurring amount of rupees one hundred crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Bill. The delegation power is of a normal character.

Bill No. 151 of 2024

A Bill to provide for establishment of a modern sports infrastructure with state-of-the-art facilities for various sports disciplines, training Centres and recreational amenities in the Virudhunagar in the State of Tamil Nadu and for matters connected therewith.

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 Establishment of Sports Infrastructure in Virudhunagar 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.

Definitions.

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

(a) “Fund” means the Virudhunagar Sports Establishment and Development Fund constituted under section 6; and

(b) “prescribed” means prescribed by rules made under this Act.

Establishment
of Sports
Infrastructure in
Virudhunagar.

3. (1) The Central Government shall, within six months of coming into force of this Act shall develop State-of-the-art Sports Infrastructure in Virudhunagar district of the State of Tamil Nadu to promote sports at grassroot level in such manner as may be prescribed.

(2) The Sports Infrastructure developed under sub-section (1) shall have requisite stadiums, indoor and outdoor courts, swimming pools, fitness centers and administrative buildings.

Objectives of
development
of Sports
Infrastructure.

4. The Sports Infrastructure developed under sub-section (1) of section 3 shall,—

(a) provide state-of-the-art infrastructure for training and development of sportsperson in various sports disciplines;

(b) promote public participation in sports and physical fitness activities to enhance overall health and well-being; and

(c) create employment opportunities and stimulate economic growth through sports-related tourism and activities.

Implementation
and Monitoring.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Governing Body to oversee the planning, construction, and management of the development of Sports Infrastructure under sub-section (1) of section 3 in such manner as may be prescribed.

(2) The functions, composition and other terms and conditions of the Governing Body shall be such as may be prescribed.

Constitution of
Virudhunagar
Sports
Infrastructure
Establishment
and
Development
Fund.

6. (1) The Central Government shall by notification in the official Gazette, constitute a Fund to be known as Virudhunagar Sports Establishment and Development Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, grant sums of money to the Fund as the Central Government may think fit for establishment and development of sports in Virudhunagar.

(3) The Fund may also be credited with money sourced through public-private partnerships, grants and donations received for sports city in Virudhunagar.

(4) The Central Government shall conduct regular audit to ensure transparency, efficiency and accountability in utilization of funds in such manner as may be prescribed.

Power to remove
difficulties.

7. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the 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 issued after the expiry of a period of two years from the date of commencement of this Act.

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

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

The Virudhunagar constituency in the State of Tamil Nadu, known for its rich cultural heritage and vibrant community, currently lacks adequate sports infrastructure to support the physical and recreational needs of its residents. Recognizing the significant benefits of sports in promoting health, well-being and community spirit, there is a pressing need to develop Sports Infrastructure in Virudhunagar.

The primary objective of this proposed legislation is to create state-of-the-art facilities for various sports disciplines, training centres and recreational amenities. This initiative aims to provide local athletes and enthusiasts with access to high-quality facilities for practice, competitions and physical fitness activities. By fostering a culture of sportsmanship and active living, the Sports will contribute to improving public health outcomes and enhancing the overall quality of life in Virudhunagar.

Further, the development of Sports Infrastructure is expected to stimulate economic growth by attracting sports-related tourism, creating job opportunities in sports management and hospitality sectors and promoting local businesses. This legislation underscores our commitment to investing in the development of youth, promoting inclusivity in sports and strengthening community bonds through recreational activities and competitive events.

In conclusion, the development of Sports Infrastructure in Virudhunagar represents a significant step towards realizing the constituency's potential as a hub for sports excellence and fostering a healthier, more active lifestyle among its residents.

Hence this Bill.

NEW DELHI;
July 12, 2024

MANICKAM TAGORE B.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for development of Sports Infrastructure in Virudhunagar district of State of Tamil Nadu to promote sports at grassroot and competitive level. Clause 5 provides for constitution of a Governing Body by Central Government to oversee the planning, construction and management of the Sports Infrastructure. Clause 6 provides for the constitution of Virudhunagar Sports Establishment and Development Fund. It also provides for the Central Government to provide grants to the Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about Rupees One Thousand Crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about Rupees One Thousand Crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of details only, the delegation of legislative power is of a normal character.

Bill No. 158 of 2024

A Bill further to amend the Special Economic Zones Act, 2005.

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

(1) This Act may be called as the Special Economic Zones (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.

Amendment of Section 2.	2. In section 2 of the Special Economic Zone Act, 2005 (hereinafter referred to as the principal Act), after clause (m), the following clause shall be inserted:— “(ma) “Fire Factory” means a manufacturing facility involved in production of goods such as fireworks, chemicals or other products involved in production of fireworks or explosion (hazards).”.	28 of 2005
Insertion of new section 4A.	3. After section 4 of the principal Act, the following section shall be inserted, namely:— “4A. (1) Notwithstanding anything contained in sections 3 and 4, there shall be established a Virudhunagar Fire Factories Special Economic Zone (VFFSEZ) in the Virudhunagar district in the State of Tamil Nadu to facilitate the development, operation, maintenance, management, administration and regulation of fire factories in Virudhunagar district. (2) The VFFSEZ established under sub-section (1) shall,— (a) facilitate the growth of fire factories by providing infrastructure, incentives and a conducive regulatory environment; (b) promote exports and attract foreign and domestic investments in the fire manufacturing sector; and (c) ensure strict adherence to safety protocols, environmental standards and labour regulations within the Special Economic Zone. (3) The provisions of this Act shall apply <i>mutatis mutandis</i> to the VFFSEZ established under sub-section (1).”	

STATEMENT OF OBJECTS AND REASONS

The Virudhunagar constituency in Tamil Nadu has long been recognized for its dynamic industrial sector, particularly in the production of goods that involve fire or explosion hazards, such as fireworks and chemicals. These industries play a crucial role in the local economy, providing employment opportunities and contributing significantly to the region's economic growth.

However, the operation of fire factories inherently involves risks to worker safety and environmental sustainability. Despite these challenges, these industries continue to thrive and serve both domestic and international markets. Recognizing the need to balance economic growth with stringent regulatory oversight, it is imperative to establish a dedicated Special Economic Zone (SEZ) for fire factories within Virudhunagar constituency.

The primary objectives of this Bill are as follows:—

1. **Promotion of Economic Growth:** The SEZ aims to stimulate economic activity by providing a conducive environment for the establishment and expansion of fire factories. It seeks to attract investments, both domestic and foreign, in the manufacturing sector, thereby creating employment opportunities and boosting local income levels.
2. **Enhancement of Safety Standards:** By designating a specific area for fire factories, the Act intends to enforce stringent safety protocols and fire prevention measures. This includes the implementation of state-of-the-art technologies and infrastructure aimed at minimizing risks and ensuring the well-being of workers and surrounding communities.
3. **Environmental Sustainability:** The Act underscores the importance of environmental stewardship by mandating compliance with eco-friendly manufacturing practices within the SEZ. It encourages the adoption of sustainable production methods, waste management strategies, and pollution control measures to mitigate the environmental impact of fire factory operations.
4. **Regulatory Framework:** Establishing a SEZ Authority will ensure effective oversight and enforcement of regulatory standards governing fire factories. This includes streamlined licensing procedures, periodic inspections, and stringent enforcement mechanisms to uphold safety, environmental, and labour regulations.
5. **Incentives for Growth:** The Act proposes incentives such as tax holidays, customs duty exemptions, and infrastructure support to incentivize investment and facilitate the growth of fire factories within the SEZ. These measures aim to enhance competitiveness, encourage innovation, and facilitate the integration of global best practices in manufacturing.

The Bill, therefore, seeks to amend the SEZ, Act, 2005 with a view to establish VFFSEZ in the Virudhunagar district in the State of Tamil Nadu.

Hence this Bill.

NEW DELHI;

MANICKAM TAGORE B.

July 15, 2024

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for Establishment of Virudhunagar Fire Factories Special Economic Zone.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees One thousand crore will be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees One thousand crore would also be involved.

Bill No. 156 of 2024

A Bill to exempt the State of Tamil Nadu from the National Eligibility cum Entrance Test (NEET) for admission to undergraduate medical courses 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 Eligibility cum Entrance Test (NEET) Exemption for the State of Tamil Nadu 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.

Definitions.

2. In this Act, unless the context otherwise requires, “NEET” means the National Eligibility cum Entrance Test for admission to undergraduate medical courses conducted by the National Testing Agency.

Exemption from NEET for admission in Under-Graduate Medical Courses in the State of Tamil Nadu.

3. Notwithstanding anything contained in the National Medical Commission Act, 2019, or any other law for the time being in force, the NEET shall not be applicable for admission to Under-Graduate Medical Courses in the State of Tamil Nadu.

30 of 2019

Validation of admissions.

4. Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other Authority, all admissions to undergraduate medical courses made by the State of Tamil Nadu for the academic years prior to the commencement of this Act shall be deemed to be valid and shall not be questioned on the ground of non-conduct of NEET in the State of Tamil Nadu.

Repeal and Savings.

5.(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(2) Any rule or order made or any appointments or admissions made under any law repealed by this Act shall, insofar as they are not inconsistent with the provisions of this Act, be deemed to have been made or done under the corresponding provisions of this Act.

Power to remove difficulties.

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

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

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

STATEMENT OF OBJECTS AND REASONS

The National Eligibility cum Entrance Test (NEET) has been a matter of contention in the State of Tamil Nadu, particularly regarding its impact on students from rural and disadvantaged backgrounds. The State Government of Tamil Nadu has consistently sought exemption from NEET to uphold the principles of social justice and equitable access to medical education. This Bill seeks to address these concerns by exempting the State of Tamil Nadu from the purview of NEET for undergraduate medical admissions.

Hence this Bill.

NEW DELHI;
July 18, 2024

MANICKAM TAGORE B.

Bill No. 195 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. This Act may be called the Constitution (Amendment) Act, 2024.

Short title.

2. In the Eighth Schedule to the Constitution, the existing entries 17 to 22 shall be re-numbered as entries from 18 to 23, respectively, and before entry 18 as so renumbered, the following entry shall be inserted, namely:

Amendment of
the Eighth
Schedule.

“17. Rajbanshi.”

STATEMENT OF OBJECTS AND REASONS

Language is indicative of the history, culture, people, system of governance, ecology, politics etc. of a region. Rajbanshi is member of the Bengali-Assamese branch of the Indo-Aryan language family. Rajbonshi/Rajbashi language is spoken by two crore people spread over West Bengal, Assam, Northern Bihar, Western Meghalaya in India and neighbouring countries of Bangladesh (Northern Region), Nepal (Jhapa, Morang, Sunsari districts) and plains areas of Bhutan. Other names of the Rajbanshi language are Kamtapuri, Rajbanga, Rajbansi, Rajbongshi, Goalpariya and Tappuri. The Rajbanshi language has a complete grammar. The main dialects are Western Rajbanshi, Central Rajbanshi, Eastern Rajbanshi and the dialect of the Rajbanshi of the hills, also known as Koch language. Rajbanshi is written with the Devnagari alphabet. It is taught in primary schools and used in literature, newspapers and other media.

Rajbanshi language, while being historically and traditionally very rich, is subjected to gross neglect at the national level. This poses a risk of the language eventually losing its existence.

There have been persistent demands from the Rajbanshi-speaking people for inclusion of the Rajbanshi language in the Eighth Schedule to the Constitution.

Therefore, in view of the above, in order to protect, promote and preserve the sanctity of Rajbanshi language and to protect the culture and the traditions of the speakers of this language, and also taking into consideration the importance of this language, it is necessary that Rajbanshi language be given due recognition by including it in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI,
July 15, 2024

JAYANTA KUMAR ROY

Bill No. 137 of 2024

A Bill to provide for special financial assistance to KBK region comprising the districts of Koraput, Rayagada, Malkangiri, Nabarangpur, Balangir, Subarnapur, Kalahandi and Nuapada of the State of Odisha for the purpose of promoting the welfare of Scheduled Tribes, Scheduled Castes and Other Backward Sections of the people and for the development, exploitation and proper utilization of its resources.

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 Special Financial Assistance to KBK Region of State of Odisha 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.

Special
Financial
Assistance to
the KBK
region of the
State of
Odisha.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to KBK Region comprising the districts of Koraput, Rayagada, Malkangiri, Nabarangpur, Balangir, Subarnapur, Kalahandi and Nuapada of the State of Odisha to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Tribes, Scheduled Castes and Other Backward Sections of the people and for the development, proper utilization and exploitation of the resources in KBK region of the State of Odisha.

Act not in
derogation of
any other law.

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

STATEMENT OF OBJECTS AND REASONS

The KBK region comprising Koraput, Nabarangpur, Malkangiri, Rayagada, Subarnapur, Balangir, Kalahandi and Nuapada districts of the State of Odisha is one of the poorest and most backward regions of the country. Despite years of focused development intervention by both Central and State Government of Odisha, large proportion of rural poor and Tribals in the KBK region continue to face chronic hunger and reportedly starvation deaths. Reduced forest cover, farmer distress, no visible employment opportunity – people are forced to migrate to other States in search of jobs. As per one National Family Health Survey, only 47.38 per cent. women in the KBK region are literate against the State average of 67.4 per cent., while the literacy level among men in the region is 72.93 per cent. against the State's 84.3%. In case of institutional delivery, the region with 76.48 per cent. lags behind the State's average of 85.4 per cent.

Central assistance for Area development programmes like special plan for KBK, Backward Region Grant Fund (BRGF) and Integrated Action Plan have been discontinued. The Central Government has discontinued ST/SC scholarship scheme thus depriving beneficiaries in the tribal region. Some of the Schemes delinked from support of the Centre during the budget 2015/16: National e-Governance Plan, Backward Regions Grant Funds, Modernization of Police Forces, Rajiv Gandhi Panchayat Sashaktikaran Abhiyaan (RGPSA), Scheme for Central Assistance to the States for developing export infrastructure, Scheme for setting up of 6000 Model Schools, National Mission on Food processing and Tourist Infrastructure.

Though the State Govt. has launched its own Biju KBK Plan, this is not sufficient. Justice Puncchi Commission on Centre-State relation has recommended for higher Central transfers to backward States for improving the physical and human infrastructure. The economic divide emanating from asymmetric growth and backwardness, dominated by Tribals and vulnerable groups rise to regional imbalance and calls for focused attention of the Government for achieving inclusive growth.

It is, therefore, necessary that the Central Government should provide special financial assistance to the KBK Region of the State of Odisha for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to this Region would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
July 18, 2024.

SAPTAGIRI SANKAR ULAKA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the KBK Region comprising the districts of Koraput, Rayagada, Malkangiri, Nabarangpur, Balangir, Subarnapur, Kalahandi and Nuapada of the State of Odisha to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the KBK Region of the State of Odisha. As the sums of moneys which will be given to the KBK Region of the State of Odisha as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

Bill No. 142 of 2024

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

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 (Scheduled Tribes) Order (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.

Amendment of
the Schedule.

2. In entry 55 of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XII.- Orissa, for the words “,Jhodia Paroja,”, the words, “,Jhodia, Jhodia Paroja,”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Jhodia is a prominent tribe in Kashipur block of Rayagada district with more than one lakh population. They previously had tribal status and were getting all Government benefits till 1997 after which they had been deprived of the Scheduled Tribe status, thereby not receiving any benefits.

Socially and culturally, Jhodias are members of the endogamous community of Jhodia Paraja and are very much a part of the Paraja clan. “Jhodia” needs to be included as a synonym of “Paroja” which is notified as Scheduled Tribe at serial number-55 in respect of State of Odisha in Scheduled Tribe list of India.

The Jhodias possess all the criteria proposed by the Lukur Committee (1965). They resemble tribal community from the viewpoint of lifestyle, traditional culture, primitive traits, geographical isolation, educational and economic backwardness. Non-inclusion of their name in the ST list is depriving them of the benefits provided by the Government. Though the State Government of Odisha has written to Government of India to include Jhodia as a synonym of Paroja, it is a fact that their revenue staff made clerical mistakes by writing on their Record of Rights (RoR) as Jhodia instead of Jhodia-Paroja during land settlement.

The Bill, therefore, intends to include the “Jhodia” community from Kashipur as the Schedule Tribes in respect of State of Odisha.

Hence this Bill.

NEW DELHI;
July 18, 2024

SAPTAGIRI SANKAR ULAKA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend the Constitution (Scheduled Tribes) Amendment Order, 1976, by amending the list of Scheduled Tribes in respect of the State of Odisha.

The Bill, therefore, if enacted, would involve additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits likely to be provided to the welfare of the persons belonging to these tribes. It is estimated that a recurring expenditure of about rupees three hundred crore is likely to be involved per annum.

No non-recurring expenditure is likely to be involved.

Bill No. 145 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

2. In the Eighth Schedule to Constitution,—

Amendment of
the Eighth
Schedule.

(a) existing entry 6 shall be re-numbered as entry 7 and before the entry 7 as so re-numbered, the following entry shall be inserted, namely:-

“6. Ho”; and

(b) existing entries 20 to 22 shall be re-numbered as entries from 21 to 23 and before the entry 21 as so re-numbered, the following entry shall be inserted, namely:-

“20. Soura.”.

STATEMENT OF OBJECTS AND REASONS

There have been persistent demands from the Soura-speaking and Ho-speaking people for the inclusion of the Soura and Ho language in the Eighth Schedule to the Constitution. At present Soura is a language spoken by Soura people which is an ethnic group in eastern India, mainly concentrated in the State of Odisha. Soura is also recognized as an endangered language by UNESCO. On the other hand, Ho is spoken by the Ho tribal people living in the Kolhan region encompassing the State of Jharkhand, Odisha, West Bengal and Assam. These Language have a rich ethnic and phylogenetic vocabulary which needs to be preserved. The Bill seeks to give effect to the same.

The Bill, therefore, seeks to amend the Constitution with a view to include “Ho” and “Soura” language in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;

SAPTAGIRI SANKAR ULAKAR

November 7, 2024.

Bill No. 63 of 2025

*A Bill further to amend the Punjab Municipal Corporation Law
(Extension to Chandigarh) Act, 1994.*

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

1. (1) This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2025.

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

Short title and
commencement.

Amendment of
the Schedule.

2. In the Schedule of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, in Part II,—

(A) in section 4, in sub-section (3), in clause (ii), for the words “with voting rights”, the words “without voting rights” shall be substituted;

(B) in section 8, in sub-section (2), for the words “Administrator”, the words “duly elected Mayor” shall be substituted;

(C) in section 13A,—

(a) in sub-section (1), for the words “Administrator and his decision”, the words “Committee and the decision of the Committee” shall be substituted; and

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A). The Committee under sub-section (1) shall consist of—

(a) sitting High Court Judge nominated by the Chief Justice of the Punjab & Haryana High Court;

(b) retired High Court Judge nominated by the Chief Justice of the Punjab & Haryana High Court; and

(c) the District & Sessions Judge, Chandigarh.

(D) in section 38, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Mayor, the Senior Deputy Mayor and the Deputy Mayor shall be directly elected by all the electors of the Chandigarh parliamentary constituency:

Provided that the office of the Senior Deputy Mayor and the Deputy Mayor shall be reserved by rotation for the members of the Scheduled Castes and women.

(1A) The term of the Mayor, the Senior Deputy Mayor and the Deputy Mayor shall be five years and co-terminus with the tenure of the Corporation.”;

(E) after Section 38, the following sections shall be inserted, namely:—

“38A. The Mayor, the Senior Deputy Mayor and the Deputy Mayor would be removed only by motion supported by a two-third majority of the elected Councillors present and voting.

38B. (1) The Mayor, the Senior Deputy Mayor and the Deputy Mayor shall function as Mayor in Council.

(2) All decisions of the Council shall be taken by consensus:

Provided that if consensus is not achieved, the decision shall be made by a 2:1 majority and the decision shall be put into an agenda item for the consideration of the full house of the Municipal Corporation which shall be decided only by the elected members of the Municipal Corporation of Chandigarh through a simple majority of those present and voting.

38C. (1) The provisions of the Tenth Schedule to the Constitution of India, regarding anti-defection law, as applicable to the Members of the Parliament and State Legislative Assemblies, shall apply to the elected representatives of the Municipal Corporation.

(2) The Mayor, the Senior Deputy Mayor and the Deputy Mayor shall cease to be in office if they defect from the political party from which they have been so elected or resign from the political party which they were originally elected to that position.”;

(F) in section 41A, in sub-section (1), for the words “Administrator”, the words “duly elected Mayor” shall be substituted;

(G) in section 41E, in sub-section (1), for the words “Administrator”, the words “duly elected Mayor” shall be substituted;

Removal from
Office.

Mayor in
Council.

Anti Defection.

(H) after Section 45, the following sections shall be inserted, namely:—

“45A. Subject to the provisions of this Act and notwithstanding any other law for the time being in force, all matters relating to the governance of Union territory of Chandigarh, except those pertaining to law and order, shall be under the jurisdiction of the duly elected Mayor.

Governance of
Union territory
of Chandigarh.

45B. (1) All officers of the Chandigarh administration, except those exercising purely police or law and order functions, shall be under the jurisdiction of the Mayor-in-Council.

Administrative
Jurisdiction of
the Mayor in
Council.

(2) The annual confidential reports of all the officers of the Chandigarh administration, except those exercising law and order functions, shall be written by the Mayor, the Senior Deputy Mayor and the Deputy Mayor, respectively.

(3) The Mayor, the Senior Deputy Mayor and the Deputy Mayor, as the case may be, shall provide their comments on every officer from the rank of Sub-Divisional Magistrate or its equivalent, with the Mayor in Council which shall be the reviewing and accepting authority for the Annual Confidential Report:

Provided that for all civil functions performed by officers engaged in police or law and order duties, they shall be accountable to the Mayor-in-Council in so far as their actions and Annual Confidential Reports are concerned:

Provided further that the process of initiating and accepting Annual Confidential Report in so far as law and order functions are concerned, the established hierarchy currently in practice shall be followed.”; and

(I) for section 47, the following section shall be substituted, namely:—

“47. (1) The Commissioner of the Corporation shall be appointed exclusively by the Mayor-in-Council from a panel of officers proposed by,—

Appointment of
Commissioner.

(a) the Government of Punjab;

(b) the Government of Haryana ; and

(c) the Government of Union Territory of Chandigarh.

(2) The Commissioner shall report to the Mayor-in-Council.

(3) For the purpose of the Annual Confidential Report, the Deputy Mayor and the Senior Deputy Mayor shall be the reporting authorities, while the Mayor of the Municipal Corporation shall be the reviewing and accepting authority in so far as the Annual Confidential Report of the Commissioner of the Municipal Corporation is concerned:

Provided that where the Commissioner holds a lien on any service under any Government, the Mayor-in-Council may, at any time, place his services at the disposal of that respective Government.”.

STATEMENT OF OBJECTS AND REASONS

The Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, governs the functioning of the Chandigarh Municipal Corporation. The current method of electing the Mayor, the Senior Deputy Mayor and the Deputy Mayor by the Members of the Chandigarh Municipal Corporation every year more often than not leads to extraneous factors and considerations playing themselves out. This undermines the very essence of democracy. Moreover, such frequent annual elections subvert the integrity of the democratic process and divert attention from governance to perennial political maneuvering.

Under the existing provisions, the tenure of the Mayor, the Senior Deputy Mayor and the Deputy Mayor is limited to one year, despite the fact that the Municipal Corporation itself has a tenure of five years. This short tenure has led to several challenges in the efficient administration and governance of the Corporation.

Frequent changes in leadership result in discontinuity in decision-making, disrupts the implementation of long-term projects and hinders the smooth functioning of the Corporation. The limited tenure does not allow sufficient time for the Mayor to familiarise himself/herself with the complexities of municipal governance, and engage meaningfully with stakeholders, or execute developmental plans effectively. Furthermore, the repeated conduct of elections for the post of Mayor, the Senior Deputy Mayor and the Deputy Mayor every year leads to unnecessary expenditure of public funds, which could otherwise be utilised for developmental activities.

In addition to these structural inefficiencies, the principal Act vests significant and largely unrestricted powers in the Union Territory Administrator, rather than the elected Corporation. This undermines the autonomy of the Municipal Corporation and hampers its ability to execute developmental works efficiently. The lack of adequate decision-making authority at the elected level weakens grassroots governance and poses a serious challenge to the democratic fabric of the municipal administration. Strengthening the role of elected representatives is essential for ensuring accountable, transparent, and responsive governance at the local level.

In light of these concerns, the present Bill seeks to amend the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, to provide for a stable and efficient governance structure by ensuring that the tenure of Mayor, the Senior Deputy Mayor and the Deputy Mayor is aligned with the tenure of the elected Municipal Corporation and the three are directly elected by all the electors of the Chandigarh parliamentary constituency for a term of five years. This will promote administrative continuity, better execution of municipal projects, and more effective governance for the residents of Chandigarh.

The proposed amendment is a necessary step towards strengthening the institutional framework of the Chandigarh Municipal Corporation, ensuring greater accountability in urban governance and upholding the principles of democratic de-centralisation, where except for law and order the governance of Chandigarh is vested in the Mayor in council.

Hence this Bill.

NEW DELHI;
February 14, 2025

MANISH TEWARI

Bill No. 166 of 2025

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2025.

Short title.

2. In the Tenth Schedule to the Constitution,—

Amendment of
the Tenth
Schedule.

(i) in sub-paragraph (1) of paragraph 2,—

(a) for the words "shall be disqualified for being a member", the words
"shall cease to be a member" shall be substituted;

(b) for clause (b), the following clause shall be substituted, namely:—

"(b) if he votes or abstains from voting in such House with regard to a—

(i) motion expressing confidence or want of confidence in the Council
of Ministers,

(ii) motion for an adjournment of the business of the House,

(iii) motion in respect of financial matters as enumerated in articles
113 to 116 (both inclusive) and articles 203 to 206 (both inclusive),

(iv) Money Bill,

contrary to any direction issued by the political party to which he belongs or
by any person or authority authorized by it in this behalf, without obtaining, in
either case, the prior permission of such political party, person or authority, and
where the Chairman or, as the case may be, the Speaker of such House makes an
announcement, as soon as possible, on receipt of a communication from the
political party regarding issue of such direction as aforesaid, to the effect that—

(i) the political party or the person or authority authorized by it has issued
a direction in respect of voting in regard to motions mentioned in this
paragraph; and

(ii) the defiance of such direction by a member belonging to that political
party shall result in automatic cessation of his membership from the House."

(ii) after sub-paragraph (1), the following sub-paragraph shall be inserted, namely:—

"(IA) Notwithstanding anything contained in para 1 above, within fifteen days of a member having ceased to be so, he may, for restoration of membership, apply to the Chairman or the Speaker, as the case may be, urging therein the reasons, in justification of his impugned voting or abstention therefrom, and the competent authority shall, within ten days of the receipt of the same, seek confirmation from the political party concerned, whether the said action of the member stood condoned and if the same is received within fifteen days, the membership shall be restored forthwith:

Provided that in case of non-confirmation or non receipt thereof, the Chairman or the Speaker, as the case may be, shall decide the matter within sixty days."

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as Anti-Defection Law was added to the Constitution by the Constitution (Fifty-second Amendment) Act, 1985.

The 52nd Amendment to the Constitution heralded in an era of healthy parliamentary democracy and sought to put an end to the scourge of political defections that were plaguing our body politic. Since the coming into force of the Act, our parliamentary democracy has taken healthier roots and the entailing punitive provisions contained in the Tenth Schedule have managed to rein in defections to a great extent.

After quarter of a century of the enactment of the Tenth Schedule, it needs certain adaptations and further strengthening so as to be of greater relevance to our democratic process today. As against the need of the hour when the Tenth Schedule was brought in, the debate and voting in Parliament and State Legislatures has matured to such an extent as would merit revisiting some of the provisions of the said Schedule in order to streamline and strengthen them further; albeit without losing sight of its salutary intent and purpose.

At present, the Tenth Schedule to the Constitution provides, *inter alia*, for disqualification of a member if he votes or abstains from voting in the House contrary to any direction issued by the political party to which he belongs to. The Tenth Schedule to the Constitution is lacking in the following two important aspects—

(a) the disqualification of a member of a House should be only on the grounds that if he votes or abstains from voting in the House with regard to a Confidence Motion, No-confidence Motion, Adjournment Motion, Money Bill or financial matters contrary to the direction issued in this behalf by the party to which he belongs to, and in no other case; and

(b) the Tenth Schedule is silent on the issue of disqualification in cases where a political party does not represent against a member who has acted contrary to the direction of the party to which he belongs to, while voting or abstaining from voting in the House, without prior permission of that political party.

It is, therefore, proposed to amend the Tenth Schedule to the Constitution with a view to provide for the following—

(a) a member shall incur loss of his membership only when he votes or abstains from voting in the House with regard to a Confidence Motion, No-confidence Motion, Adjournment Motion, Money Bill or financial matters contrary to any direction issued in this behalf by the party to which he belongs to, and in no other case;

(b) the Chairman or the Speaker of a House shall make an announcement in the House regarding any direction issued by a political party in respect of the aforesaid Motions, Bill or financial matters, as soon as possible, after such direction has been communicated to him by that political party. While making such announcement, the Chairman or the Speaker of House shall also specifically inform the members that the defiance of the direction issued by a political party by any member shall result in automatic cessation of his membership; and

(c) a member shall have the right to appeal against cessation of his membership to the Chairman or the Speaker, as the case may be, within a period of fifteen days from the date of such cessation and the appeal shall be disposed of within a period of sixty days from the date of its receipt by the Chairman or the Speaker of a House.

NEW DELHI;
February 14, 2025.

MANISH TEWARI

Bill No. 32 of 2025

A Bill further to amend the Hindu Marriage Act, 1955.

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

1.(1) This Act may be called the Hindu Marriage (Amendment) Act, 2025.

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 section 13 of the Hindu Marriage Act, 1955, in sub-section (1), after clause (vii), the following clause and proviso thereunder shall be inserted, namely:—

25 of 1955.

Amendment
of section 13.

“(viii) is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Bhartiya Nyaya Sanhita, 2023:

Provided that divorce shall not be granted on this ground, unless the respondent has, prior to the presentation of the petition, undergone at least three years’ imprisonment out of the said period of seven years.”.

STATEMENT OF OBJECTS AND REASONS

Section 13(1) of the Hindu Marriage Act, 1955 provides that any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the basis of certain grounds that have been enunciated in the clauses (i) to (vii) of this section. However, under the Special Marriage Act, 1954, in section 27(c) there is yet another ground on which divorce may be sought, *i.e.*, is as follows:—

“Respondent is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Bhartiya Nyaya Sanhita, 2023:

Provided that divorce shall not be granted on this ground, unless the respondent has, prior to the presentation of the petition undergone at least three years’ imprisonment out of the said period of seven years.”

There seems no reason as to why a person whose marriage is solemnized under Hindu Marriage Act, 1955 should not be afforded this ground of divorce in as much that the dominant logic and purpose for inclusion of this clause in Special Marriage Act, 1954 holds true even for Hindu Marriage Act, 1955. Therefore, persons whose marriage is solemnized under the Hindu Marriage Act, 1955 shall also have the opportunity to seek divorce on the grounds that the other spouse is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Bhartiya Nyaya Sanhita, 2023. A proviso has been added at the end that the divorce shall not be granted on this ground, unless the respondent has, prior to the presentation of the petition undergone at least three years’ imprisonment out of the said period of seven years.

The Bill seeks to achieve the above objects.

NEW DELHI;
February 14, 2025

MANISH TEWARI

Bill No. 128 of 2024

A Bill to provide for the establishment of a States and Union territories Reorganisation Commission to recommend the reorganisation of States and Union territories to the Central Government through periodic review of demands of new States or Union territories on the basis of administrative efficacy and related grounds 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 States and Union Territories Reorganisation Commission 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.

Definitions.

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

(1) ‘Commission’ means the States and Union Territories Reorganization Commission constituted under section 3;

(2) ‘Census of India’ means the census taken by the Central Government under the Census Act, 1948;

37 of 1948..

(3) ‘prescribed’ means prescribed by rules made under this Act;

(4) ‘State’ means a State specified in the First Schedule to the Constitution; and

(5) ‘Union territory’ means any Union territory specified in the First Schedule to the Constitution and shall include any other territory comprised within the territory of India but not specified in that Schedule.

Constitution
of the States
and Union
Territories
Reorganisation
Commission.

3. (1) **The Central Government shall, by notification in the Official Gazette, constitute a Commission, to be known as the States and Union Territories Reorganisation Commission, to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.**

(2) **The Central Government shall constitute the Commission as mentioned under sub-section (1) after the completion of the census of India.**

Composition
and Term
of the
Commission.

4. (1) The Commission shall consist of a Chairperson and two other members to be nominated by the Central Government, with at least one expert from the field of law or the field of economics and one person with experience in public administration.

(2) The Central Government shall provide the Commission with a Secretary and such officers and employees as may be necessary for the efficient functioning of the Commission under this Act.

(3) The Chairperson and every member shall hold office for a period of three years from the date on which he enters upon his office.

(4) The Chairperson or any member may, by writing under his hand addressed to the President, resign his office.

(5) The Central Government shall remove a person from the office of Chairperson or a member if that person—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of discharging his functions;

(e) has, in the opinion of the Central Government, so abused his position as a member, so as to render a person’s continuance in office detrimental to public interest.

(6) The salaries and allowances payable to, and the other terms and conditions of service of the officers and other employees of the Commission shall be such as may be prescribed.

Functions of
the
Commission.

5. (1) The Commission shall recommend to the Central Government on the desirability for reorganisation of States and Union territories, within two years of its constitution.

(2) The Commission shall, while recommending on the reorganisation of States and Union territories under sub-section (1), take into consideration the following—

- (i) administrative efficacy;
- (ii) national unity and security;
- (iii) economic interests;
- (iv) geographical position;
- (v) population;
- (vi) aspirations of the people;
- (vii) cultural homogeneity;
- (viii) financial cost of reorganisation; and
- (ix) any other factors as may be prescribed.

(3) The Commission shall perform such other functions with regard to the reorganisation of States and Union territories as may be assigned to it by the Central Government.

6. (1) The Commission shall, prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities and submit a report to the Central Government.

Report of the Commission.

(2) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

(3) A copy of the report received under sub-section (1) of section 5 shall be laid, as soon as it may be received, before each House of Parliament.

(4) The Central Government shall, within two years after the receipt of the report under sub-section (1) of section 5, cause to be laid an Action Taken Report on the recommendations of the Commission, including the acceptance or rejection of such recommendations, before each House of Parliament.

7. The Commission shall have the power to call upon and secure the assistance of any office or agency of the Central Government or a State Government or a Union territory Administration for carrying out the functions assigned to it under this Act.

Powers of the Commission.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

India is the embodiment of diversity. A country so rich and diverse in its culture and topography, it is more often equated to a continent than a country. The unity and strength of the country lies in its promotion of individual interest as much as the national interest.

At the beginning of the creation of the country, stability of the nation was of prime importance. In order to reduce religious tensions that had recently engulfed the country during the partition and to create stable units by agreeing to the demands of the people, States were organized on the basis of languages. It was based on the report of the States Reorganisation Commission created on 22nd December, 1953 by the then Prime Minister of India, Pandit Jawaharlal Nehru, for the “objective and dispassionate” study “so that the welfare of the people of each constituent unit as well as the nation as a whole is promoted.”

Half a century later, in the year 2000, three new States of Uttarakhand, Chhattisgarh and Jharkhand were created for socio-political reasons of development of backward regions of larger States. Later, in 2014, the State of Andhra Pradesh was bifurcated, respecting the wishes of the people and other considerations of the region.

The constant bifurcation and reorganisation of States confirms that such issues shall be omnipresent in a country of such diversity. It is pertinent to create a mechanism for reorganisation of States that takes into account economic and financial viability, administrative efficacy, unity of the nation, cultural history, attitude of the people and so on. A pre-planned consistent study of reorganization of States on the basis of these factors will ensure informed decision-making that will lead to efficient stable units rather than knee-jerk reactions. Keeping true to the words of Nehru Ji, it will be an objective and dispassionate process for the welfare of both the people and the country.

Hence this Bill.

NEW DELHI;
August 9, 2024

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 3 of this Bill provides for establishment of the States Reorganisation and Union Territories Commission. It also provides for appointment of a Chairperson, members, a secretary and other Officers and employees to the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about ten crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 263 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:-

1. (1) This Act may be called the Bharatiya Nyaya Sanhita (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.

2. In section 63 of the Bharatiya Nyaya Sanhita, 2023,—

Amendment of
section 63.

(a) for description (iv), the following description shall be substituted,
namely-

(iv) "with her consent, when the man knows that he is not the person she believes she has given consent to engage in sexual intercourse or sexual acts and that her consent is given because she believes that he is another man with whom she wants to engage in sexual intercourse or sexual acts.";

(b) in Explanation 2, after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that the ethnicity, religion, caste, education, profession, clothing preference, entertainment preference, social circle, personal opinion, past sexual conduct or any other related grounds of a woman shall not be a reason to presume her consent to the sexual activity.; and

(c) Exception 2 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The criminalisation of marital rape is an urgent necessity in India's legal framework. Currently, Section 63 of the Bharatiya Nyaya Sanhita, 2023, excludes marital rape from being a punishable offense, allowing men to engage in non-consensual sex with their wives, provided the wife is not under 18 years of age. This outdated legal exception is rooted in patriarchal notions that view wives as property—a remnant of colonial-era mindsets.

This failure to criminalise marital rape has left married women legally defenceless, distinguishing them from unmarried women and perpetuating the misconception that marriage voids the necessity of consent. This undermines women's fundamental rights to dignity, safety, and bodily autonomy. The alarming prevalence of marital rape is evident from the National Family Health Survey-5 (NFHS-5), which reports that 83% of women aged 18 to 49 who faced sexual violence named their current husband as the perpetrator, reflecting the pervasive nature of sexual violence within marriages.

The Justice Verma Committee Report (2013) strongly recommended the removal of the marital rape exception, citing it as contradictory to women's rights and justice. Additionally, international treaties like CEDAW, to which India is a signatory, have called for broader definitions of rape to include marital rape, acknowledging the reality of marital sexual abuse.

Under the Indian Constitution, Article 21 guarantees every individual the Right to Life and Personal Liberty, interpreted by the Supreme Court to include dignity, privacy, and bodily autonomy—rights that marital rape violates by denying married women control over their own bodies. Furthermore, Article 253 empowers Parliament to legislate in alignment with international conventions, and Article 51 enjoins the State to respect international law and uphold equality and justice. These constitutional provisions clearly mandate the removal of the marital rape exception to uphold both domestic and international commitments to human rights.

Marriage should be a partnership grounded in mutual respect, consent, and equality. Criminalising marital rape affirms that consent is a fundamental human right, regardless of marital status. Allowing a husband to force sex upon his wife disregards her autonomy and perpetuates a culture of control and gender-based violence. In moving toward equality, it's essential to restore women's agency over their sexual rights within marriage and ensure dignity for all individuals. only entrenches gender-based inequality in India's society.

Similarly, factors unrelated to a woman's autonomy—such as her caste, profession, clothing choices, personal beliefs, or past sexual conduct—should never be used to presume her consent. Such assumptions not only perpetuate gender-based inequality but also violate her fundamental rights and dignity; they must be unequivocally rejected.

Hence this Bill.

NEW DELHI;

SHASHI THAROOR

November 13, 2024.

Bill No. 10 of 2025*A Bill to amend the Occupational Safety, Health and Working Conditions Code, 2020.*

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

1. (1) This Act may be called the Occupational Safety, Health and Working Conditions Code (Amendment) Act, 2025.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

2. In section 2 of the Occupational Safety, Health and Working Conditions Code, 2020 (hereinafter referred to as the Code) in sub-section (1) after clause (f), in sub-clause (i), for the words “employed on wages”, the words “employed on wages, or on the basis of a contract,” shall be substituted.

Amendment of
section 2.

Insertion of new
Chapter IVA.

3. After Chapter IV of the Code, the following chapter and sections shall be inserted, namely,—

“CHAPTER IVA

SENSITISATION

Sensitisation
Workshop.

22A. The appropriate Government shall ensure that every establishment conduct sensitisation workshop on ‘the importance of work-life balance for the physical and mental well-being of workers and employees’, for the management and the workers or employees, biannually in accordance with the rules as may be prescribed.

Efficacy
measuring
mechanism.

22B. The appropriate Government shall develop a mechanism to measure the efficacy of the workshop conducted by the establishment under section 22A in accordance with the rules as may be prescribed.

Annual Report.

22C. All establishments shall annually submit a report of the workshops held, to the appropriate government, or any other body, in accordance with the rules as may be prescribed.”.

Insertion of new
sections 24A
and 24B.

4. The following sections shall be inserted, in Chapter VII, before section 25, namely:—

“24A. Whenever, the word “worker” or “workers” occur in this Chapter, they shall also mean to include “employee” or “employees”, respectively, under its ambit, unless expressly prohibited.

24B. This chapter shall also apply to any workplace, which employs less than ten workers.”

Insertion of new
section 25A.

5. After section 25 of the Code, the following section shall be inserted, namely:—

Right to
disconnect.

“25A. (1) Every worker shall have the right to disconnect out of work hours.

Explanation.— For the purposes of this sub-section “right to disconnect out of work hours” shall mean the right to refuse to monitor, read or respond to contact, or attempted contact, from the employer or a third party if the contact or attempted contact relates to their work and is outside of the worker’s working hours.

(2) A worker shall not be subjected to any disciplinary action, termination of employment or discrimination including discrimination in promotion and appraisal based on his exercise of the right to disconnect.”.

Insertion of new
Chapter VIIA.

6. After Chapter VII of the principal Act, the following chapter shall be inserted, namely:—

“CHAPTER VIIA

INTERNAL WORKPLACE WELLBEING BODY

Internal
Workplace
Wellbeing Body.

32A. (1) Every employer of an establishment shall, by an order in writing, constitute a body to be known as the Internal Workplace Wellbeing Body (hereinafter referred to as the “IWVB”) to receive complaints of violation of the rights provided under Chapter VII:

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the “IWVB”, shall be constituted at all administrative units or offices.

(2) It shall be the duty of the “IWVB” to establish internal policies, in accordance with the rules as may be prescribed, relating to bullying practices, mental health support programmes, employee assistance programmes, and human rights violations at the workplace, and to establish access to mental health support services, including counseling and psychological support, as part of their employee wellness programmes, in line with the National Mental Health Programme (NMHP) guidelines;

(3) The IWWB shall consist of the following members to be nominated by the employer, namely:—

(a) a Presiding Officer, employed at a senior level at workplace from amongst the employees;

(b) not less than two Members from amongst employees or workers preferably committed to the cause of workplace and labour rights or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-Governmental organisations or associations committed to the cause of workplace and labour rights:

Provided that at least one-half of the total Members so nominated shall be women.

(4) The Presiding Officer and every Member of the IWWB shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(5) The Member appointed from amongst the non-Governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the IWWB, by the employer, as may be prescribed.

(6) Where the Presiding Officer or any Member of the IWWB,—

(a) contravenes the provisions of Chapter VII; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the IWWB and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

32B. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Chapter.

Notification of District Officer.

32C. (1) Any aggrieved worker or employee, as the case may be, may make, in writing, a complaint for violation of the rights provided under Chapter VII, to the IWWB within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Complaint for violation of the rights under Chapter VII.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the IWWB shall render all reasonable assistance to the worker or the employee for making the complaint in writing.

(2) Where the aggrieved worker or employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir or such other person as may be prescribed may make a complaint under this section.

32D. 'SAMADHAN Portal', created by the Ministry of Labour & Employment, shall be facilitated to receive complaints for violation of rights under Chapter VII of this Code, in accordance with the rules as may be prescribed.

Complaints on SAMADHAN Portal.

32E. (1) The IWWB may, before initiating an inquiry under section 32F and at the request of the aggrieved worker or employee, as the case may be, take steps to settle the matter between the worker or the employee, and the respondent through conciliation:

Conciliation.

Provided that if the settlement has been arrived at, through the 'SAMADHAN Portal', such settlement, shall be considered by the IWWB for its further proceedings, under this Chapter.

(2) Where settlement has been arrived at under sub-section (1), the IWWB shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

(3) The IWWB shall provide copies of the settlement as recorded under sub-section (2) to the aggrieved worker or employee, as the case may be, and to the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the IWWB.

Inquiry into the complaint.

32F. (1) Subject to the provisions of section 32E, the IWWB shall, proceed to make inquiry into the complaint received under section 32C, in such manner as may be prescribed:

Provided that where the aggrieved worker or employee informs the IWWB that any term or condition of the settlement arrived at under sub-section (2) of section 32E has not been complied with by the respondent, the IWWB shall proceed to make an inquiry into the complaint.

(2) For the purpose of making an inquiry under sub-section (1), the IWWB shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

(3) The inquiry under sub-section (1) shall be completed within a period of ninety days.

(4) Where any inquiry under sub-section (1) could not be completed within the period of ninety days, the IWWB shall record its reasons in writing for not completing the inquiry within that period.

Inquiry report.

32G. (1) On the completion of an inquiry under this Act, the IWWB shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

(2) Where the IWWB arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the IWWB arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be to take action for violation of any or more than one of the rights under Chapter VII, in accordance with the penalty prescribed from time to time:

Provided further that in case the respondent fails to pay the penalty referred to in clause (3), the IWWB may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.”.

STATEMENT OF OBJECTS AND REASONS

According to the International Labour Organization (ILO), 51% of India's workforce works more than 49 hours per week, placing the country second globally for extended working hours. Additionally, another study found that 78% of employees in India experience some form of job burnout, leading to physical and emotional exhaustion. The lack of a proper work-life balance, combined with exacting working hours, is a significant contributor to stress. Left unchecked, this can lead to severe health conditions such as hypertension, diabetes, anxiety, depression, and burnout, impacting both individual well-being and organisational productivity.

The relentless pursuit of career growth at the cost of personal well-being has become a troubling trend, contributing to a culture of overwork. While the Occupational Safety, Health, and Working Conditions Code, 2020, sets a maximum limit on working hours for "workers", it does not extend the same protection to "employees", including contractual employees. This gap in the legal framework leaves a large portion of India's workforce vulnerable to crushing working hours, against which they do not have adequate protections. It is crucial that the code is amended clearly to define and limit working hours for all employees; to enshrine the "right to disconnect" in law, ensuring that employees cannot be penalised or discriminated against for refusing to work beyond their working hours; and to provide a grievance redressal mechanism when the rights of workers or employees are infringed.

The "right to disconnect" is essential in promoting a healthy work-life balance, enabling employees to recharge and maintain their physical and mental well-being. Without this protection, employees may be compelled to remain available beyond their regular working hours, thereby blurring the lines between their personal and professional lives and exacerbating stress and burnout.

However, laws alone are not enough to facilitate meaningful change. For any legislation to be effective, it must be supported by comprehensive awareness programs, advocacy, and sensitisation workshops. Sensitisation, of both employees and management for a better work-life balance, is especially important, as it addresses the cultural and organisational norms that perpetuate toxic work cultures. The provision for mental health support services, including counselling and psychological support for workers and employees also becomes relevant in the current scenario, where work-related stress is one of the significant contributors to mental health issues, with 10-12 per cent according to the report of the National Mental Health Survey (2015-16).

Incorporating legal protections for work-life balance, the "right to disconnect", and limiting working hours will together constitute a holistic and vigorous approach towards improving the workplace environment in India. By focusing on the well-being of employees, both their physical and mental health will improve, creating a more sustainable and productive workforce for the future of India.

Hence this Bill.

NEW DELHI;
November 11, 2024

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the constitution of the Internal Workplace Well-being Body.

The Bill, if enacted, will involve additional expenditure, either recurring or non-recurring, from the Consolidated Fund of India. However, at this stage, it is difficult to make any estimate of the expenditure.

Bill No. 146 of 2024

A Bill further to amend the Railways Act, 1989.

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 Railways (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.

Insertion
of new
section 24A.

2. After section 24 of the Railways Act, 1989, the following sections shall be inserted, namely:—

24 of 1989.

“(24A) Notwithstanding anything contained in sections 22, 23 and 24 of the Act, the Central Government shall, by notification, sanction super fast trains in North-Eastern Railway Zone *via* Thawe junction in the State of Bihar.”.

STATEMENT OF OBJECTS AND REASONS

The section of Varanasi division which comprises Thawe-Gopalganj junction in State of Bihar is facing number of challenges and disadvantage due to non-availability of superfast trains for various metropolitan cities of the country. The area has heavy passenger and trade specific potentialities. The Thawe junction in Bihar of Varanasi division of the North-Eastern Railway is a residual Station with number of challenges and disadvantages. Making railway connectivity from this neglected section by providing the train facilities would provide ample revenue to the Central Government and overcome difficulties of passengers.

Further, there is rush of pilgrims during the normal days and huge rush during auspicious days. This area is the native place of lakhs of migrant labourers working in different parts of the country who face difficulties due to non-availability of super fast trains. Apart from this, the passengers of this area depend on bigger cities of country for any specialized medical facilities and education, too. This section/area does not have any direct train for Delhi or any other metropolitan cities.

The Bill, therefore, seeks to amend the Railways Act, 1989 with a view to sanction super fast trains in North-Eastern Railway Zone *via* Thawe junction in the State of Bihar to make railway connectivity for revenue earning to Railway by the Central Government.

Hence this Bill.

NEW DELHI;
July 19, 2024.

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 24A seeks to sanction super fast trains in North-Eastern Railway Zone *via* Thawe junction in the State of Bihar to make railway connectivity for revenue earning to Railway by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two hundred crore from the Consolidated Fund of India.

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

Bill No. 148 of 2024

A Bill further to amend the Railways Act, 1989.

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 Railways (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.

24 of 1989.

2. After section 24 of the Railways Act, 1989, the following section shall be inserted, namely:—

Insertion of
new section
24A.

“24A. Notwithstanding anything contained in sections 22, 23 and 24 of the Act, the Central Government may, by notification, sanction daily running of train No. 05305/05306 (CPR ANVT Train) *via* Thawe junction in the State of Bihar.”.

Special
Provisions of
railway at
Thawe junction
in the State of
Bihar.

STATEMENT OF OBJECTS AND REASONS

The Railways is the life line of the country. Development of North-Eastern Region is totally depend on trains facilities. The section of Varanasi division of North-Eastern Railway which comprises Thawe-Gopalganj junction is facing number of challenges and disadvantage due to non-availability of trains for various metropolitan cities. To overcome such difficulties and to make railway connectivity from this neglected section by providing the train facilities would certainly provide ample revenue to Railway.

In the Thawe-Gopalganj section, there is one of the most important and reverable religious peeth. Seeing the rush of pilgrims during normal days an huge rush during auspicious days, and considering the fact that this area is the native to lakhs of migrant labours who are working in different parts of country. The train facilities to this junction is must. This section/area does not have any direct train for Delhi or any other metropolitan cities of the country.

The Bill, therefore, seeks to amend the Railways Act, 1989 with a view to provide sanctioning of daily running of summer special train No. 05305/05306 at Thawe junction in the State of Bihar to Delhi after the approval of Railway Board without any further delay. The aforesaid train facility will cater the need of the neglected Thawe junction which is a long awaited demand of lakhs of people of the various districts of the States of Uttar Pradesh and Bihar.

Hence this Bill.

NEW DELHI;
July 19, 2024

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 24A seeks to provide for sanctioning of daily running of summer special train No. 05305/05306 *via* Thawe junction in the State of Bihar. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees three hundred crore from the Consolidated Fund of India.

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

Bill No. 147 of 2024

*A Bill further to amend the Bharatiya Nyaya Sanhita, 2023 and the
Bharatiya Nagarik Suraksha Sanhita, 2023.*

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 Criminal Laws (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.

Insertion of new section 106A.	2. In the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as Sanhita), after section 106, the following section shall be inserted, namely,— “106A. Whoever, being a registered medical practitioner, causes the death of any person during medical treatment due to any medical negligence shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both: Provided that causing the death of a person during medical treatment or intervention done with consent in accordance with the section 88 of this Bharatiya Nyaya Sanhita shall not be considered as medical negligence, unless the contrary is proved supported by a team of medical experts or a medical Board. <i>Explanation.</i>— For the purpose of this section, “registered medical practitioner” means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 (30 of 2019) or the National Commission for Homeopathy Act, 2020 (15 of 2020), or the National Commission on for Indian system of Medicine Act, 2020 (14 of 2020) and or the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021).”.	45 of 2023.
Causing death by medical negligence.		
Insertion of new section 119A.	3. After section 119 of the Sanhita the following section shall be inserted, namely,— “119A. Whoever,— (i) commits or abets the commission of an act of violence against an healthcare service personnel; or (ii) abets or causes damage or loss to any property of a healthcare service personnel, shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years, and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees: Provided that while committing an act of violence against a healthcare service personnel if a person causes grievous hurt as defined in section 116 to healthcare service personnel, he shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees.”.	
Violence against health care service personnel and damage to property.		
Amendment of First Schedule.	4. In the First Schedule to the Bharatiya Nagarik Suraksha Sanhita, 2023 under the heading “I.— OFFENCES UNDER THE BHARATIYA NYAYA SANHITA”,—	35 46 of 2023.

(b) after the entries relating to section 119(2), the following entry shall be inserted, namely:—

1	2	3	4	5	6
119A	Violence against Healthcare service professionals	Imprisonment which shall not be less than three months but which may extend upto five years and fine, which shall not be less than fifty thousand but which may extend.	cognizable	Non-bailable	Court of Session

STATEMENT OF OBJECTS AND REASONS

The Constitution of India guarantees to all persons the right to life and personal liberty and the equal protection of laws to all classes of citizens. It is deemed necessary and expedient to enact legislation for the protection of these rights guaranteed by the Constitution. In this regard, the Hon'ble Supreme Court in the case of *Jacob Mathew vs. State of Punjab* AIR 2005 SC3180; (2005) had afforded necessary guidelines and procedures, to be adopted by the Central and State Government for proceeding against a medical professional to be held responsible under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023.

The Ethics and Medical Registration Board of the National Medical Commission [Letter No. NMC/MCI/EMRB/C-12015/0023/2021/ETHICS/022426 dated-29/09/2021 in compliance with the mandamus issued by the Apex Court (*vide supra*) has framed specific guidelines needed for prosecution of doctors for causing death of innocent patients due to 'gross' medical negligence. The Hon'ble Supreme Court in the aforesaid judgment (*vide supra*) had coined a few terms to deal with the cases of death due to medical negligence. Since the provisions available under section 106 of Bharatiya Nyaya Sanhita, 2023 is generic in nature and as such insufficient to deal with the professional medical negligence, which is more complex where the help of medical experts become necessary. The constitution bench of the Hon'ble Supreme Court in the matter of *Lalita Kumari vs. State of U.P. & OR's*, [2 SCC 1 : (2014) 1 SCC (Cri) 524] *vide* Judgment dated 12.11.2013 (and partially modified on 05.03.2014) held that while ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry (in medical negligence cases) should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

The Hon'ble Supreme Court in the case of *Jacob Mathew vs. State of Punjab* opined that to prosecute a medical professional for negligence under criminal law it must be shown that the accused did something or failed to do something which in the given facts and circumstances no medical professional in his ordinary senses and prudence would have done or failed to do. The hazard taken by the accused doctor should be of such a nature that the injury which resulted was most likely imminent. Negligence to be established by prosecution must be culpable or gross and not the negligence merely base upon an error of judgment. And death should have been the direct cause. The Hon'ble Supreme Court in the case of *Jacob Mathew vs. State of Punjab* observed that the word 'gross' has not been used in section 106(1) of the Bharatiya Nyaya Sanhita, 2023, yet it is settled that in criminal law negligence or recklessness, to be so held, must be of such a high degree as to be 'gross'. The expression 'rash or negligent act' as occurring in Section 106(1) of the Bharatiya Nyaya Sanhita, 2023 has to be read as qualified by the word 'grossly'.

To cope with the difficulty of unjust litigations against doctors, the Hon'ble Supreme Court in the case of Jacob Mathew *vs.* State of Punjab issued some guidelines for proper investigations. But almost sixteen years have passed by and in the absence of a clear cut section in Bharatiya Nyaya Sanhita, our police responsible to register an FIR, is still groping in the dark to find out a suitable.

Section of law to proceed with case of death due to medical negligence cases, resulting thereby, such cases are registered 'usually' under Section 105 Bharatiya Nyaya Sanhita, or 'occasionally' under Section 106C(1) Bharatiya Nyaya Sanhita, 2023. This mix up has made the life of both the complainant and the accused miserable. The accused is harassed by the police and invariably the FIR is quashed by the Hon'ble courts for want of proper investigations and as such justice is eluded for both. This frustrates the general public and now-a-days, the hapless people, in case of any eventuality, resort to violence to press for unjust compensation on the spot.

However, in the Epidemic Diseases (Amendment) Act, 2020, some specific Sections to deal with the cases of violence have been added. Since the incidence of violence is not limited to epidemic period only, the same provisions are required to be added in criminal laws to deal with the cases of violence during the time of peace. The Hon'ble Supreme Court in the case of Jacob Mathew *vs.* State of Punjab quoted that 'Medical Professionals in Criminal Law- The criminal law has invariably placed the medical professionals on a pedestal different from ordinary mortals. The Bharatiya Nyaya Sanhita enacted in the year 2023 sets out a few vocal examples. Section 26 in the Chapter on General Exceptions provides exemption for acts not intended to cause death, done by consent in good faith for person's benefit. Section 30 provides for exemption for acts done in good faith for the benefit of a person without his consent though the acts cause harm to a person and that person has not consented to suffer such harm. There are four exceptions listed in the Section which is not necessary in this context to deal with. Section 31 saves from criminality certain communications made in good faith. The present day scenario demands some new sections in criminal law to deal with the prevailing situation properly.

Hence this Bill.

NEW DELHI;
August 7, 2024

ALOK KUMAR SUMAN

Bill No. 141 of 2024

A Bill to establish and incorporate a Sports University in the State of Maharashtra, a specialised University first of its kind, to promote sports education in the areas of sports sciences, sports technology, sports management and sports coaching besides functioning as the national training centre for select sports disciplines by adopting best international practices 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 Maharashtra Central Sports University Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

Definitions.

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

(a) “Academic and Activity Council” means the Academic and Activity Council of the University;

(b) “academic staff” means such categories of staff as are designated as academic staff by the Ordinances;

(c) “Board of Sports Studies” means the Board of Sports Studies of a Department of the University;

(d) “Chancellor” means the Chancellor of the University;

(e) “College” means a college or other academic institution established or maintained by, or admitted to the privileges of, the University;

(f) “Court” means the Court of the University;

(g) “Department” means a Department of Studies and includes a Centre of Studies;

(h) “employee” means any person appointed by the University and includes teachers and other staff of the University;

(i) “Executive Council” means the Executive Council of the University;

(j) “Finance Committee” means the Finance Committee of the University;

(k) “Fund” means the University Fund referred to in section 28;

(l) “Hall” means a unit of residence or of corporate life for the students of the University, or of an Outlying Campus or of a College or an Institution, maintained by the University;

(m) “Head of the Department” means the head of any teaching department of the University;

(n) “Institution” means an academic institution, not being a College, maintained by, or admitted to the privileges of, the University;

(o) “Outlying Campus” means the campus of the University as may be established by it at any place within or outside India;

(p) “Principal” means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;

(q) “Regional Centre” means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Executive Council;

(r) “Regulations” means the regulations made by any authority of the University under this Act for the time being in force;

(s) “School” means a School of Studies of the University;

(t) “section” means the section of this Act;

(u) “State” includes a Union territory;

(v) “Statutes” and “Ordinances” mean, respectively, the Statutes and the Ordinances of the University for the time being in force;

(w) “Study Centre” means a centre established, maintained or recognised by the University for the purpose of advising, counselling, training or for rendering any other assistance required by the students;

(x) “teachers of the University” means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training or conducting research in the University or in any Outlying Campus, College or Institution or Regional Centres and Study Centres maintained by the University and are designated as teachers by the Ordinances;

(y) “University” means the National Sports University established and incorporated as a University under this Act;

(z) “Vice-Chancellor” means the Vice-Chancellor of the University.

3.(1) There shall be established a University by the name of “Maharashtra Central Sports University”.

Establishment
of University.

(2) The headquarters of the University shall be in the State of Maharashtra and it may establish or maintain Outlying Campuses, Colleges, Regional Centres and Study Centres at such other places in India as it may deem fit:

Provided that the University may, with the prior approval of the Central Government, also establish Outlying Campuses and Study Centres outside India.

(3) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic and Activity Council, and all such persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of “Maharashtra Central Sports University”.

(4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. The objects of the University shall be—

Objects of
University.

(i) to evolve as an institute of advanced study in the field of physical education and sports sciences;

(ii) to provide for research and development and dissemination of knowledge in physical education and sports sciences by providing specially designed academic and training programmes in various areas of physical education and sports sciences and training in advanced technologies of sports;

(iii) to strengthen physical education and sports training programmes to promote sports including traditional and tribal sports and games;

(iv) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;

(v) to provide professional and academic leadership to other institutions in the field of physical education and sports sciences;

(vi) to provide vocational guidance and placement services in physical education, sports sciences, sports medicine, sports technology and other related fields;

(vii) to generate capabilities for the development of knowledge, skills and competences at various levels in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;

(viii) to generate capabilities to provide infrastructure of international standard for education, training and research in the areas related to physical education and sports sciences, sports technology and high performance training for all sports and games;

(ix) to prepare highly qualified professionals in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;

(x) to serve as a Centre of Excellence for the elite and other talented sportspersons of all sports and games and innovation in physical education and sports sciences and to carry out, endorse and propagate research;

(xi) to function as a leading resource centre for knowledge and development in the areas of physical education and sports sciences, sports technology and high performance training for all sports and games;

(xii) to provide international collaboration in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;

(xiii) to establish close linkage with sports academies, schools, colleges, sports and recreation clubs, sports associations and international federations for the purpose of teaching, training and research in physical education and sports sciences, sports technology and high performance training for all sports and games;

(xiv) to train talented athletes so as to help them to evolve into elite athletes of international level;

(xv) to make India especially the State of Maharashtra become a sporting power;

(xvi) such other objects, not inconsistent with the provisions of this Act, which the Central Government may, by notification in the Official Gazette, specify in this behalf.

5.(1) The University shall have the following powers and functions, namely:—

(i) to plan, design, develop and prescribe courses of study and conduct appropriate academic and training programmes in physical education and sports sciences including sports technology and to provide for instruction and training in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine confer degrees, diplomas or certificates or other academic distinctions on, persons, on the basis of examinations, evaluation or any method of testing, and to withdraw any such certificates, diplomas, degrees or other academic distinctions for good and sufficient cause;

(iii) to provide opportunities to the students of the University to participate in the sports tournaments and competitions in co-ordination with established International Sports Federations, National Sports Federations, Indian Olympic Association and Association of Indian Universities;

(iv) to have liaison or membership with various international professional organisations or bodies;

(v) to establish and maintain, with the prior approval of the Central Government, such Outlying Campuses, Regional Centres, specialised laboratories or other units for research, instruction and training as are, in the opinion of the University, necessary for the furtherance of its objects;

(vi) to establish, maintain or recognise Study Centres in the manner laid down by the Statutes;

(vii) to establish and maintain Colleges, Institutions and Halls;

(viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(ix) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(x) to appoint persons working in any University or academic institution, including those located outside the country, as teachers of the University for a specified period;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University, may determine;

(xiii) to provide facilities through the distance education system to such persons and in such manner as may be prescribed by the Statutes;

(xiv) to institute and award fellowships, scholarships, studentship, medals and prizes for raising academic standards and research;

(xv) to organise and to undertake extramural studies, training and extension services;

(xvi) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xvii) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators, other academic staff and students;

(xviii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;

(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xx) to demand and receive payment of fees and other charges;

(xxi) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxii) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxiii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxiv) to make arrangements for promoting the health and general welfare of the employees;

(xxv) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

(xxvi) to borrow, with the previous approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(xxvii) to conduct innovative experiments and promote new methods and technologies in the fields of physical education, sports sciences, sports medicine, sports technology, sports management and other related fields;

(xxviii) to purchase or to take on lease any land or building or sports complex or sports infrastructure and scientific sports research equipment or indoor stadium or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such building or work;

(xxix) to start any new allied course or research programme or diploma or training programme and discontinue any course or training programme;

(xxx) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;

(xxxi) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable, including Government securities, belonging to the University or to be acquired for the purposes of the University, after taking prior permission of the Central Government;

(xxxii) to act as a technical advisory body to Government of India and other National Organisations, State Governments and National Sports Federations on all matters related to sports;

(xxxiii) to provide training, coaching and other back up to high level sportspersons for achieving success in different national and international sports competitions;

(xxxiv) to give effect to the procedures and standards provided under the Khelo India Scheme or the National Sports Talent Search and Identification Scheme;

(xxxv) to confer autonomous status on a College or an Institution in the manner laid down by the Statutes;

(xxxvi) to admit to its privileges any College or Institution in or outside India subject to such conditions as may be laid down by the Statutes:

Provided that no College or Institution shall be so admitted except with the prior approval of the Central Government;

(xxxvii) to provide for the preparation of instructional and training materials, including films, cassettes, tapes, video cassettes and other software;

(xxxviii) to recognise persons for imparting instructions in any College or Institution admitted to the privileges of the University; and

(xxxix) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) The University shall in the exercise of its powers have jurisdiction over the whole of India and to the Outlying Campuses and Study Centres outside India.

(3) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research, and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admissions of students and recruitment of faculty shall be made on all-India basis through appropriate procedures approved by the Executive Council of the University;

(ii) foreign students shall be admitted by the University to various courses and programmes as per the policy and schemes of the Government of India and the procedure approved by the Executive Council of the National Sports University;

(iii) inter-University mobility of faculty with portable pension scheme benefits, if any, and protection of seniority shall be encouraged;

(iv) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreement with other Universities and academic institutions for credit transfer and joint degree programmes;

(v) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(vi) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers;

(vii) accreditation shall be obtained from the National Assessment and Accreditation Council or any other accrediting agency at the national level; and

(viii) e-governance shall be introduced with effective management information.

6. The University shall be open to persons of any sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle such person to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate there at or to enjoy or exercise any privilege thereof:

University to be open to all castes, creed, race or class.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of

women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens:

Provided further that no such special provision shall be made on the ground of domicile.

Central
Government to
review work
and progress
of University.

7.(1) The Central Government may, from time to time, appoint one or more persons to review the work and progress of the University, including Outlying Campuses, Colleges, Institutions, Regional Centres and Study Centres maintained by it, and to submit a report thereon; and upon receipt of that report, the Central Government may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

(2) The Central Government shall have the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, sports complexes, libraries, laboratories and equipment, and of any Outlying Campus or College or Institution or Regional Centres or Study Centres maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions or Regional Centres or Study Centres.

(3) The Central Government shall, in every matter referred to in sub-section (2), give notice of its intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the Central Government, as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Central Government may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(5) Where any inspection or inquiry has been caused to be made by the Central Government, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Central Government may, if the inspection or inquiry is made in respect of the University or any Outlying Campus or College or Institution or Regional Centre or Study Centre established or maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Central Government may be pleased to offer, and on receipt of address made by the Central Government, the Vice-Chancellor shall communicate to the Executive Council the views of the Central Government with such advice as the Central Government may offer upon the action to be taken thereon.

(7) The Executive Council shall communicate through the Vice-Chancellor to the Central Government such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(8) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Central Government, it may, after considering any explanation furnished or representation made by the Executive Council, issue such directions, as it may think fit, and the Executive Council shall comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Central Government may, by order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances:

Provided that before making any such order, the Central Government shall call upon the Vice-Chancellor to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, it shall consider the same.

(10) The Central Government shall have such other powers, in respect of the affairs of the University, as may be prescribed by the Statutes.

8. The following shall be the officers of the University, namely:—

Officers of
University.

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deans of Schools;
- (d) the Registrar;
- (e) the Finance Officer;
- (f) the Controller of Examinations;
- (g) the Librarian; and
- (h) such other officers as may be declared by the Statutes to be the officers of the University.

9.(1) The Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

Chancellor.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and other ceremonial functions and also the meetings of the Court.

10.(1) The Vice-Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

Vice-Chancellor.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall apprise such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Central Government whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) Where the Vice-Chancellor is of the opinion that any decision taken by any authority of the University is beyond the powers of the authority conferred under the provisions of this Act or the Statutes or the Ordinances, or that any decision taken by the authority is not in the interest of the University, he may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Central Government whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Deans of
Schools.

11. Every Dean of School shall be appointed in such manner, and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Registrar.

12. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Finance
Officer.

13. The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Controller of
Examinations.

14. The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Librarian.

15. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Other officers.

16. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

Authorities of
University.

17. The following shall be the authorities of the University, namely:—

- (a) the Court;
- (b) the Executive Council;
- (c) the Academic and Activity Council;
- (d) the Board of Sports Studies;
- (e) the Finance Committee;
- (f) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Court.

18.(1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

- (a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;
- (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Central Government in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

19. (1) The Executive Council shall be the principal executive body of the University.

Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

20. (1) The Academic and Activity Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

Academic and Activity Council.

(2) The constitution of the Academic and Activity Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Academic and Activity Council shall have sports persons who have achieved distinction in Olympics or world championships.

21. The constitution, powers and functions of the Board of Sports Studies shall be prescribed by the Statutes.

Board of Sports Studies.

22. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Finance Committee.

23. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Other authorities of University.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to make Statutes.

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, the emoluments and conditions of service;

(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

- (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
- (j) the conferment of autonomous status on a College or an Institution or a Department;
- (k) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges, Institutions, Regional Centres and Study Centres;
- (l) the conferment of honorary degrees;
- (m) the conferment and withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (n) the management of Colleges, Institutions, Regional Centres and Study Centres established and maintained by the University;
- (o) the delegation of powers vested in the authorities or officers of the University;
- (p) the maintenance of discipline among the employees and students; and
- (q) all other matters which by this Act are to be, or may be, provided for by the Statutes.

Power to make
Ordinances.

25. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

- (a) admission of students to the University and their enrolment as such;
- (b) the courses of study and their duration for all degrees, diplomas and certificates courses of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;
- (f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;
- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;
- (j) the establishment of Centres of Studies, Board of Studies, Specialised Laboratories and other Committees;
- (k) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;
- (l) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the setting up of a machinery for redressal of grievances of employees and students; and

(o) any other matter which, by this Act or the Statutes, is to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended or repealed at any time by the Executive Council in the manner prescribed by the Statutes.

26. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Regulations.

27. (1) The annual report of the University shall be prepared under the directions of Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

Annual report.

(2) The Court shall submit the annual report to the Central Government along with its comments, if any.

(3) The Central Government shall, as soon as may be, cause a copy of the annual report to be laid before both the Houses of Parliament.

28. (1) There shall be a University Fund which shall include—

Fund of University.

(a) any contribution or grant made by the University Grants Commission or the Central Government;

(b) any contribution or grant made by the State Government;

(c) any contribution made by Government, semi-Government or autonomous bodies;

(d) any loans, gifts, bequests, donations, endowments or other grants, if any;

(e) income received by the University from fees and charges;

(f) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the industry for the establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and

(g) amounts received in any other manner from any other source.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on the recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

29. The University shall furnish to the Central Government such returns or other information with respect to its property or activities, within such period, as the Central Government may, from time to time, require.

Returns and information.

Power to
remove
difficulties.

30. (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 appears to it to be necessary or expedient for removing the difficulty:

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

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the order or both the Houses agree that the order should not be made, the order 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 order.

Statutes,
Ordinances and
Regulations to
be published
in the Official
Gazette and to
be laid before
Parliament.

31. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

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

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes, Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

STATEMENT OF OBJECTS AND REASONS

In the wake of the Indian economy and the country's young demography, the sports sector in India is undergoing a phase of transformation. But barring a few sports like cricket and shooting, the growing interest in sports in India is not necessarily translating into better performance in the entire sports sector.

With the opening of Sports University, talented and emerging sportspersons of the country including Maharashtra will be able to get international level sports facilities. Presently, various types of international level sports facilities are available in the big cities. But, with the opening of Sports University, sports facilities shall be available in all the cities of international standards so that sportspersons can get quality training and inputs.

Sports is not just a word here, nor is it taken merely as a game. It is an aspect connected to the emotions of people. But, despite our so much love and affection to sports, the condition of sports in our country, instead of improving, is deteriorating.

However, there came a time when the proverbs started changing and people started saying, 'Mere studies will make you dull; sports will make you shine and excel.' But now it seems that this changed proverb may just remain confined to the pages of the books.

Sports have been a part of our life. Because, since ancient time, sports has been teaching us discipline and brought continuity in our work. It is one of the best sources of entertainment. Sports increase the level of our concentration and fill our mind with positivity.

Indians have immense interest in sports and are working hard to bring medals and glory to the country. Nowadays, rural people are also getting opportunities and in order to highlight the importance of sports they are performing optimally in their specific sports.

Several sports talents *viz.* Milkha Singh, famous as Flying Sikh, P.T. Usha, famous as Flying Queen, Sachin Tendulkar, famous as Master Blaster and Major Dhyanchand, famous as Hockey Wizard, have taken birth in India.

After independence, India has achieved progress in every field. There has been improvement in every field and sports is one of them. The process of reform in sports got started after independence. But, still it requires further reforms. Though a lot has been done in the past, still plenty more is required to be done.

The opening of Maharashtra Central Sports University is one such step in this direction. It should be implemented as soon as possible, so that the sportspersons of Maharashtra and the country can be imparted training in sports.

Hence this Bill.

NEW DELHI;
July 30, 2024

HEMANT VISHNU SAVARA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Maharashtra Central Sports University. Clause 9 provides for appointment of the Chancellor by the Central Government. Similarly, clause 10 makes provisions for appointment of the Vice-Chancellor by the Central Government. Clause 28 provides for contribution by the Central Government or University Grants Commission to the University Fund. Therefore, if enacted, the Bill shall involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two hundred crore per annum.

A non incurring expenditure of about rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 31 of the Bill provides for formulation of Statute, Ordinance or Regulation for carrying out the purposes of the Bill. As the rule will relate to matters of details only, the delegation of legislative power is of a normal character.

Bill No. 149 of 2024

*A Bill to provide for establishment of Coastal Tourism Development Board for the
Development of Coastal tourism in the country and for matters
connected therewith.*

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 Coastal Tourism Development Board Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

(a) “Board” means the Coastal Tourism Development Board constituted under section 4; and

(b) “prescribed” means prescribed by rules made under this Act.

Declaration of an area as Coastal Tourist Destination.

3. (1) The Central Government may, if it is of the opinion that an area has tourism potential in view of its location, coastal environment, natural and cultural resources, coastal and marine archaeology, sub-aquatic tourism and culinary traditions, by notification in the Official Gazette, declare that area to be a coastal tourist destination.

(2) An area declared under sub-section (1) as coastal tourist destination shall be developed by the Board as per international standards.

Constitution of Coastal Tourism Development Board.

4. (1) The Central Government shall, by notification in official Gazette, constitute a Board to be known as the Coastal Tourism Development Board for carrying out the purposes of this Act.

(2) The Board shall consist of—

(a) The Union Minister of Tourism who shall be Chairperson, *ex-officio*;

(b) The Union Minister of State in the Ministry of Tourism shall be Vice-Chairperson, *ex-officio*;

(c) The Minister of Tourism of States representing each State shall as *ex-officio* member;

(d) One member from each State having expertise in the field of tourism development or coastal tourism to be nominated by the Central Government in consultation with State Government.

(3) The nominated members shall hold office for a period of three years.

(4) The salary and allowances payable to and other terms and conditions of nominated members shall be such as may be prescribed.

Appointment of Secretary and Chief Accounts Officer and other staff of the Board.

5. (1) The Central Government shall appoint the Secretary and the Chief Accounts Officer, respectively, of the Board in such manner as may be prescribed.

(2) The Secretary and the Chief Accounts Officer shall exercise such powers and perform such duties as may be specified by the Central Government.

(3) The Central Government shall provide such number of other officers and staff to the Board as may be required for its efficient functioning.

Headquarter and other offices of the Board.

6. (1) The headquarter of the Board shall be at New Delhi.

(2) The Board shall have its State offices in every State capital or at such other coastal area as it may deem fit for carrying out the purposes of this Act.

Meetings and procedure of the Board.

7. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings, as may be prescribed.

Constitution of Fund.

8. (1) The Central Government shall, by notification in Official Gazette, constitute a Fund to be known as the Coastal Tourism Development Fund for carrying out the purposes of this Act.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

Objectives of the Board.

9. The objects of the Board shall be to —

(a) promote and develop coastal tourism in the country;

(b) improve and strengthen the existing infrastructure in and around coastal tourist area, marine archaeology, subaquatic tourism and culinary traditions of coastal area;

(c) develop new coastal tourist destinations with all basic amenities;

(d) co-ordinate, support and interact with other departments and agencies for streamlining services and amenities in and around coastal tourist destinations;

(e) issue guidelines for safety and security to tourists visiting in coastal tourist area;

(f) facilitate and enhance the experience of the tourists;

(g) prepare Master Plan for development of each Coastal Tourism destination; and

(h) publish at least in one local newspaper having circulation in that area for inviting objections and suggestions from general public for development of a master plan of each coastal tourist destination.

10. The Board shall, as soon as may be, prepare a separate Master Plan for the development of each coastal tourist destination:

Provided that the Board shall, before finalizing a Master Plan, take into consideration all objections and suggestions from general public made under clause (h) of section 9.

11. The Board shall—

(a) prepare a calendar of activities including annual coastal festival, beach fest, melas, haats to be organized in the each forthcoming financial year for the development of coastal tourism at different coastal areas/tourist destinations;

(b) advertise such activities as it considers necessary to promote tourism at different coastal tourist destinations;

(c) interact once in three months with the stake holders including representatives of the hoteliers, local authorities, police and the Tourism Department of the State Government concerned for proper co-ordination to develop and strengthen coastal tourism infrastructure in and around coastal tourist destinations in the area;

(d) provide amenities at such rate and in such manner to the visitors as may be notified by the Central Government in this regard;

(e) provide such other amenities as it may deem fit for the development of coastal tourist destination;

(f) recommend to the Central Government the measures to be taken for the development of coastal tourist destinations; and

(g) maintain a website containing all essential information regarding the coastal tourist destinations including hotels, beaches and heritage sites, water sports, cruise on sea, tourist maps, help desk, district administration and tour operators with a view to provide necessary information and help to the tourists.

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

(2) A copy of the report forwarded under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

Master Plan for Development of tourist destination.

Functions of the Board.

Annual Report.

Removal of
Difficulty.

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

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

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

Power to
make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Beaches in India are popular tourist destinations round the year. The coastal areas of Mumbai, Palghar, Ratnagiri, Konkan, Sindhudurg, Visakhapatnam, Gujarat, Chennai, Goa, Kerala, Odisha have gained significant attention from tourists worldwide, leading to a substantial influx of visitors. The presence of these pristine beaches not only serves as a source of income for many coastal communities but also plays a crucial role in boosting the local economy. The coastal tourism industry in India plays a big role of significant economic multiplier and becomes critical since India has to grow at rapid rates and create jobs.

The objectives of coastal tourism development are to create employment opportunities and bring about socio-economic benefits to the community, particularly in the interior and remote areas and to strive towards balanced and sustainable development and preserve, enrich and promote India's cultural heritage. One of the major objectives is the preservation and protection of natural resources and environment to achieve sustainable development. India offers geographical diversity, world heritage sites and niche tourism products like cruises, adventure, medical, eco-tourism, etc. Promotion programmes like Incredible India has spurred growth in Tourists' Arrivals and Employment.

India is currently ranked 39th in World Economic Forum's Travel and Tourism Development Index (2024). The Government has also said that the country's tourism sector will recover to the pre-pandemic level by end of 2024. Keeping present scenario in view, the proposed board empowered by an Act is needed to cater to the demand of coastal tourism development.

Hence this Bill.

NEW DELHI;
July 22, 2024

HEMANT VISHNU SAVARA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Coastal Tourism Development Board by the Central Government. Clause 5 provides for appointment of Secretary, Chief Account Officer and other staff of the Authority. Clause 6 provides for headquarters and other offices of the Authority. Clause 7 provides for meetings and procedure of the Authority. Clause 8 provides for constitution of a Coastal Tourism Development Board Fund. Clause 11 provides for the development of coastal tourism through advertisement, maintaining of website and providing amenities for development of tourist destinations. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum.

A non-recurring expenditure of rupees two hundred crore is also 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. 144 of 2024

*to provide special financial assistance to the State Government of
Maharashtra to develop and conserve the water bodies
in the State of Maharashtra.*

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 Special Financial Assistance for Development and Conservation of Water Bodies in the State of Maharashtra 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.

Definitions.

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

(a) “aquatic ecosystem” means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body;

(b) “drain” includes gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;

(c) “groundwater” means all water under the surface of the ground, whether in solid or liquid form;

(d) “water” means all surface water and ground water, whether solid or liquid form; and

(e) “water body” means any body of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

State Governments to inform the Central Government.

3. The State Government of Maharashtra shall provide the Central Government,—

(a) the details of existence of water bodies in the State; and

(b) requirement of financial assistance to protect the water bodies in the State.

Power of State Governments to make regulations.

4. The State Government of Maharashtra shall, before informing the Central Government under section 3, make the regulation for the purpose of—

(a) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;

(b) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;

(c) improving the drainage and sewerage system;

(d) ensuring clear separation between sewerage/waste water and sources of clean water to avoid contamination; and

(e) ensuring quick absorption or clear flow of rain water for conservation.

State Government of Maharashtra to consider the scientific, intrinsic and other information relating to water bodies.

5. The State Government of Maharashtra shall, before informing the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to—

(a) the physical characteristics of land in the area, including its topography and soil types;

(b) the ability of the soil or water in the area to assimilate nutrients and other pollutants;

(c) water bodies or groundwater in the area, including information relating to—

(i) the quality characteristics of the water;

(ii) The susceptibility of the water to contamination or adverse changes in level; and

(iii) the extent to which the water is undisturbed by human activity.

(d) the areas of aquatic ecosystems;

(e) whether the area contains a source or a potential source, of drinking water;

(f) whether the area supports species that are sensitive to alterations in water quality or quantity resulting from human activity;

(g) whether the area provides habitat for endangered species; and

(h) the perception of farmers and native inhabitants of the area regarding quality, quantity and prospects of water in a particular zone including—

(i) the possibilities of flood and/or water logging; and

(ii) any other matter which the Government considers relevant.

6. The Central Government shall render scientific and technical advice and assistance to the State Government of Maharashtra if so required to achieve the purposes of this Act.

Central Government to render scientific and technical advice.

7.(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the State Government of Maharashtra for protection of water bodies and for promotion of rain harvesting and watershed management programmes.

Central Government to provide financial assistance to State Government of Maharashtra.

(2) The funds provided under sub-section (1) shall be utilized for,—

(a) expeditious completion of ongoing water bodies projects;

(b) construction of big and small ponds for the use of irrigation;

(c) digging wells and bore wells as it will be required;

(d) meeting costs incurred on implementing the “Water Bodies Development and Conservation Scheme” based on the water resources in the State;

(e) renovation of old ponds and water reservoirs in the water affected area; and

(f) construction of canals.

(3) The Central Government before releasing the money shall ensure that State Government has complied with the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country and Maharashtra State, per capita water availability is decreasing due to ever increasing population. Also, due to rising food demands, rapid industrialization and urbanization the stress on water management is increasing. As an effect water management has emerged as one of grand challenges. The distribution of water resources is uneven over a large part of the State of Maharashtra. A large area is, therefore, water deficit whereas a small part is surplus in water. Large part of the State of Maharashtra has already become water stressed. Maharashtra occupies the Western and Central parts of India and has a long coastline of about 720 km along the Arabian Sea. The average annual rainfall in the State ranges from 400 to 5000 mm. The State witness frequent drought conditions. Almost, 42.5% area of the State is drought prone. Half of the State's population is dependent upon agriculture for their livelihood. So, a large number of proposals relating to water bodies and development of water bodies in the State of Maharashtra is required. Due to lack of water bodies people have to depend on rain despite having the water reservoirs. State have to do the project involve deepening and widening of streams, construction of cement and earthen stop dams, work on nullahs and digging of farm ponds. Due to non-availability of water bodies, the State Government do not have sufficient funds for the development of water bodies projects. The Bill, therefore, to meet the expense of development and conservation of water bodies in the State of Maharashtra.

Hence this Bill.

NEW DELHI;
July 22, 2024

HEMANT VISHNU SAVARA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Government of Maharashtra. Clause 7 provides for financial assistance to the State Government of Maharashtra for protection of water bodies etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the sums of moneys which will be given to the State of Maharashtra as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government of Maharashtra with the approval of Government of India as identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be involved.

Bill No. 30 of 2025

A Bill to abolish death penalty in the country.

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

1.(1) This Act may be called the Death Penalty (Abolition) Act, 2025.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

2.(1) Notwithstanding anything in any other law for the time being in force, death penalty is hereby abolished.

Abolition of
death penalty.

(2) On and from the commencement of this Act, provision of punishment of

death in any enactment shall be deemed to have been substituted by penalty of imprisonment for life.

(3) The provisions of this Act apply in relation to offences being tried at the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Indian Criminal Laws retain capital punishment for a number of serious offences. However, death penalty is not only unjust and inhuman but also inconsistent with the fundamental rights and the dignity and worth of the human being.

The opposition to the continuation of capital punishment has been from as early as the 1950s. Many of the founding fathers of India were firmly opposed to the death penalty. The architect of the Constitution, Babasaheb Ambedkar, himself admitted in the Constituent Assembly that people may not follow non-violence in practice but “they certainly adhere to the principle of non-violence as a moral mandate which they ought to observe as far as they possibly can”. With this in mind, he said, “the proper thing for this country to do is to abolish the death sentence altogether”.

Miscarriage of justice is one of the biggest concerns about death penalty. There have been cases of executions of innocent people. No matter how developed a justice system is, it will always remain susceptible to human failure. Unlike prison sentences, the death penalty is irreversible and irreparable. The Supreme Court has itself admitted on several occasions that there is confusion and contradiction in the application of the death penalty. Last year, fourteen eminent retired judges wrote to the President, pointing out that the Supreme Court had erroneously given the death penalty to fifteen persons since 1996, of whom two were hanged. The judges called this “the gravest known miscarriage of justice in the history of crime and punishment in independent India”.

The death penalty lacks the deterrent effect. As recently stated by the General Assembly of the United Nations, “there is no conclusive evidence of the deterrent value of the death penalty” (UNGA Resolution 65/206). Capital punishment is merely revenge masquerading as justice. When the Government is trying to create a just society where there is less violence and murder, it cannot be allowed to commit the same crime against its citizens in the name of justice.

The world is moving away from using the death penalty. The European Union has made “abolition of death penalty” a pre-requisite for membership. In November 2012, the United Nations adopted a resolution to establish a moratorium on executions and abolition of death penalty for the fourth time. Amnesty International reports that about one hundred and forty countries have abolished death penalty either in law or in practice. This accounts for more than two thirds of the countries of the world.

The Law Commission of India, in its 243rd Report, has recommended the abolition of death penalty in all but two instances — crimes of terrorism and waging war against the State. However, the Parliament should go one step further by passing a legislation to abolish death penalty once and for all.

The continuation of death penalty is a stain on our society built on the values of non-violence, love and justice. Hence, in this land of Mahatma Gandhi and Gautama Buddha, it is necessary to abolish this barbaric punishment in order to be in consonance with our own inherent morals and the global trend.

Hence this Bill.

NEW DELHI;
January 20, 2025.

KANIMOZHI KARUNANIDHI

Bill No. 52 of 2025

A Bill to provide for the establishment of a National Climate Change Authority for an efficient mechanism to plan, monitor and achieve the net zero emission targets by the year 2070 and for the effective mitigation and adaptation of Climate Change and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Climate Change (Mitigation and Adaptation) Act, 2025.

(2) This extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

(a) “adaptation” means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;

(b) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(c) “capacity-building” includes—

(i) identification of existing resources and resources to be acquired or created;

(ii) acquiring or creating resources identified under sub-clause (i); and

(iii) organization and training of personnel and coordination of such training for effective measures on mitigation, adaptation of Climate Change;

(d) “climate change” means change in the global or regional climate system caused by significant changes in the concentration of greenhouse gases as a consequence of human activities which is in addition to natural climate change that has been observed during a considerable period;

(e) “climate change duties” means the statutory obligations conferred on public and private entities to implement climate change actions consistent with the national goal of low carbon climate resilient development;

(f) “climate change resilience” means the capability to maintain competent function and return to some normal range of function even when faced with adverse impact of climate change;

(g) “climate change mitigation and adaptation” means continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for—

(i) prevention of danger or threat of any Climate Change;

(ii) mitigation or reduction of risk of any Climate Change or its severity or consequences;

(iii) capacity-building;

(iv) preparedness to deal with any Climate Change;

(v) prompt response to any threatening Climate Change situation or Climate Change;

(vi) assessing the severity or magnitude of effects of any Climate Change;

(vii) evacuation, rescue and relief; and

(viii) rehabilitation and reconstruction.

(h) “District Authority” means the District Climate Change Mitigation and Adaptation Authority constituted under section 21;

(i) “District Plan” means the plan for Climate Change mitigation and adaptation for the district prepared under section 23;

(j) “emission” means emission of greenhouse gases;

(k) “Local authority” includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and mitigation, adaptation and management of civic services, within a specified local area;

(l) “mitigation” means measures aimed at reducing the risk, impact or effects of a climate change or threatening climate change situation;

(m) "National Authority" means the National Climate Change mitigation and adaptation Authority established under section 3;

(n) "National Executive Committee" means the Executive Committee of the National Authority constituted under section 5;

(o) "National Plan" means the plan for Climate Change mitigation and adaptation and measures for net zero emission, for the whole of the country prepared under section 8;

(p) "Net Zero" means reducing greenhouse gas emissions to as close to zero as possible, with any remaining emissions re-absorbed from the atmosphere, by oceans and forests;

(q) "preparedness" means the state of readiness to deal with a threatening climate change situation or climate change and the effects thereof;

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

(s) "State Authority" means the State Climate Change Authority established under section 10;

(t) "State Executive Committee" means the Executive Committee of a State Authority constituted under section 13; and

(u) "State Plan" means the plan for Climate Change mitigation, adaptation and mitigation, and measures for net zero emission for the whole of the State prepared under the Act.

CHAPTER II

THE NATIONAL CLIMATE CHANGE AUTHORITY

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, there shall be established for the purposes of this Act, a National Authority to be known as the National Climate Change Authority.

Establishment of National Climate Change Authority.

(2) The National Authority shall consist of:—

(a) the Prime Minister of India, who shall be the Chairperson, *ex-officio*; and

(b) such other members, to be nominated by the Chairperson in such manner as may be prescribed.

(3) The Chairperson of the National Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the National Authority.

(4) The salary and allowances payable to and other term of office and conditions of service of members of the National Authority shall be such as may be prescribed.

4. Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for climate change mitigation and adaptation, achieving net zero emission and for ensuring timely and effective response to climate change.

Powers and functions of the National Authority.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Executive Committee to assist its departments and authorities in the performance of its functions and to coordinate action in

Constitution of National Executive Committee.

accordance with the guidelines laid down by the National Authority and ensure the compliance of directions issued by it under this Act.

(2) The National Executive Committee shall consist of the following members, namely:—

(a) the Secretary, Union Ministry of Environment, Forest and Climate Change, who shall be Chairperson, *ex-officio*;

(b) the Secretaries to the Government of India in the Ministries or Departments having administrative control of the agriculture, defence, drinking water supply, disaster management, earth science, finance (expenditure), health, power, rural development, science and technology, space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, members *ex-officio*;

(c) **such number of experts from the field of climatology and climate change related sciences, members to be appointed by the Central Government in such manner as may be prescribed; and**

(d) **such number of eminent persons as the National Executive Committee deems fit to be appointed by the Central Government in such manner as may be prescribed.**

(3) The Chairperson of the National Executive Committee shall exercise such powers and perform such functions as may be prescribed and delegated to him by the National Authority.

(4) The procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of services of the experts and eminent persons shall be such as may be prescribed.

Constitution
of Advisory
Committee
by National
Authority.

6. (1) The National Authority may constitute an Advisory Committee consisting of experts in the field of climatology, climate change, and other concerned fields relating to climate change at the National, State, and District level to make recommendations on different aspects of climate change.

(2) **The salary and allowances payable to, and other terms and conditions of services of the experts of the Advisory Committee shall be such as may be prescribed.**

Constitution
of sub-
committees.

7. (1) The National Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions.

(2) **The National Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1) and such other experts in such manner as may be prescribed.**

(3) **The salary and allowances payable to, and other terms and conditions of services of the experts of the sub-committee shall be such as may be prescribed.**

Powers and
functions
of National
Executive
Committee.

8. (1) The National Executive Committee shall assist the National Authority in the discharge of its functions including implementing the policies and plans and ensure the compliance of directions issued by the Central Government for the purpose of climate change mitigation and adaptation in the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may—

(a) act as the coordinating and monitoring body for climate change mitigation and adaptation and for achieving net zero emission;

(b) prepare the National Plan to be approved by the National Authority;

(c) coordinate and monitor the implementation of the National Plan;

(d) lay down guidelines for preparing climate change mitigation and adaptation and for achieving net zero emission plans by different Ministries or Departments of the appropriate Government;

(e) provide necessary technical assistance to the State Governments and the State Authorities for preparing their climate change mitigation and adaptation and for achieving net zero emission plans in accordance with the guidelines laid down by the National Authority;

(f) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Central Government;

(g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of climate change and mitigation by the Ministries or Departments in their development plans and projects;

(h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the appropriate Government;

(i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening climate change situation or climate change and give directions, where necessary, for enhancing such preparedness;

(j) plan and coordinate specialized training programme for climate change mitigation and adaptation for different levels of officers, employees and voluntary rescue workers;

(k) coordinate response in the event of any threatening climate change situation or climate change;

(l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the appropriate Government regarding measures to be taken by them in response to any threatening climate change situation or climate change;

(m) require any department or agency of the appropriate Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(n) advise, assist and coordinate the activities of the Ministries or Departments of the appropriate Government, statutory bodies, other governmental or non-Governmental organizations and others engaged in climate change mitigation and adaptation, and achieving net zero emission;

(o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

(p) promote general education and awareness in relation to climate change mitigation and adaptation and achieving net zero emission; and

(q) perform such other functions as the National Authority may deem fit.

National Plan.

9. (1) The National Executive Committee shall, in consultation with the State Governments and expert bodies or organizations in the field of climatology and climate change, prepare a National Plan for Climate Change mitigation and adaptation to achieve net zero emission for the whole of the country to be approved by the National Authority.

(2) The National Plan prepared under sub-section (1) shall include—

(a) measures to be taken for the prevention of climate changes or the mitigation of their effects;

(b) measures to be taken for the integration of mitigation measures in the development plans;

(c) measures to be taken for achieving net zero emission;

(d) measures to be taken for preparedness and capacity building to effectively respond to any threatening climate change situations or climate change; and

(e) roles and responsibilities of its different Ministries or Departments of the Government of India in respect of measures specified in clauses (a), (b) (c) and (d).

(3) The National Plan prepared under sub-section (1) shall be reviewed and updated annually in such manner as may be prescribed.

(4) It shall be the responsibility of the Central Government to ensure that appropriate provisions are made for financing the measures to be carried out under the National Plan prepared under sub-section (1).

(5) It shall be the responsibility of the Central Government to ensure that copies of the National Plan are made available to its Ministries and Departments and such Ministries or Departments draw up their own plans in accordance with the National Plan.

CHAPTER III

STATE CLIMATE CHANGE AUTHORITY

Establishment
of State
Climate
Change
Authority.

10. (1) Every State Government shall, as soon as may be after the issue of the notification under sub-section (1) of section 3, by notification in the Official Gazette, establish a State Climate Change Authority for the State with such name as may be specified in the notification of the State Government.

(2) Every State Authority shall consist of,—

(a) the Chief Minister of the State, who shall be Chairperson, *ex-officio*; and

(b) such other members, to be nominated by the Chairperson of the State Authority in such manner as may be prescribed.

(3) The Chairperson of the State Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the State Authority.

(4) The salary and allowances payable to and other term of office and conditions of service of members of the State Authority shall be such as may be prescribed.

Constitution
of Advisory
committee
by the State
Authority.

11. (1) The State Authority may constitute an Advisory Committee consisting of experts in the field of climatology, climate change, and other concerned fields relating to climate change to make recommendations on different aspects of climate change.

(2) The salary and allowances payable to, and other terms and conditions of services of the experts of the Advisory Committee shall be such as may be prescribed.

12. Subject to the provisions of this Act, the State Authority shall have the responsibility for laying down policies and plans for climate change mitigation and adaptation and for achieving net zero emission in the State.

Powers and functions of State Authority.

13. (1) The State Government shall, by notification in the Official Gazette, constitute a State Executive Committee to assist the State Authority in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by it under this Act.

Constitution of State Executive Committee.

(2) The State Executive Committee shall consist of the following members, namely:—

(a) the Chief Secretary to the State Government, who shall be Chairperson, *ex-officio*;

(b) the Secretaries to the State Government of such departments as the State Government thinks fit, members *ex-officio*;

(c) such number of experts from the field of climatology and climate change related sciences, members to be appointed by the State Government in such manner as may be prescribed; and

(d) such number of eminent persons as the National Executive Committee deems fit to be appointed by the State Government in such manner as may be prescribed.

(3) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as may be prescribed and delegated to him by the State Authority.

(4) The procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of services of the experts and eminent persons shall be such as may be prescribed.

14. (1) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions.

Constitution of sub-committees by State Executive Committee.

(2) The State Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1) and such other experts in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of services of the experts of the sub-committee shall be such as may be prescribed.

15. (1) The State Executive Committee shall implement the National Plan and State Plan and act as the coordinating and monitoring body for mitigation and adaptation of climate change to achieve net zero emission in the State.

Functions of the State Executive Committee.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Executive Committee may—

(a) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

(b) examine the vulnerability of different parts of the State to different

forms of climate changes and specify measures to be taken for their prevention or mitigation;

(c) lay down guidelines for preparation of climate change mitigation and adaptation plans by the departments of the Government of the State and the District Authorities;

(d) lay down guidelines for achieving net zero emission;

(e) monitor the implementation of climate change mitigation and adaptation plans prepared by the departments of the Government of the State and District Authorities;

(f) monitor the implementation of the guidelines laid down by the State Authority for integrating of measures for prevention of climate changes and mitigation by the departments in their development plans and projects;

(g) evaluate preparedness at all governmental or non-Governmental levels to respond to any threatening climate change situation or climate change and give directions, where necessary, for enhancing such preparedness;

(h) coordinate response in the event of any threatening climate change situation or climate change;

(i) give directions to any Department of the Government of the State or any other authority or body in the State regarding actions to be taken in response to any threatening climate change situation or climate change;

(j) promote general education, awareness and community training in regard to the forms of climate changes to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the climate change, mitigate and respond to such climate change;

(k) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organizations engaged in climate change mitigation and adaptation;

(l) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;

(m) advise the State Government regarding all financial matters in relation to climate change mitigation and adaptation;

(n) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of climate change is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;

(o) provide information to the National Authority relating to different aspects of Climate Change mitigation and adaptation;

(p) lay down, review and update State level response plans and guidelines and ensure that the district level plans are prepared, reviewed and updated;

(q) ensure that communication systems are in order and the Climate Change mitigation and adaptation drills are carried out periodically; and

(r) perform such other functions as may be assigned to it by the State Authority or as it may consider necessary.

State Plan.

16. (1) The State Executive Committee shall, in consultation with the local authorities, elected representatives and public, prepare a State Plan for climate

change mitigation and adaptation to achieve net zero emission in the State to be approved by the State Authority.

(2) The State Plan prepared under sub-section (1) shall include—

(a) the vulnerability of different parts of the State to different forms of climate changes;

(b) the measures to be adopted for prevention and mitigation of climate changes;

(c) the measures to be adopted for achieving net zero emission;

(d) the manner in which the mitigation measures shall be integrated with the development plans and projects;

(e) the capacity-building and preparedness measures to be taken;

(f) the roles and responsibilities of each Department of the Government of the State in relation to the measures specified in clauses (b), (c) and (d) above; and

(g) the roles and responsibilities of different Departments of the Government of the State in responding to any threatening climate change situation or climate change.

(3) The State Plan prepared under sub-section (1) shall be reviewed and updated annually in such manner as may be prescribed.

(4) It shall be the responsibility of the State Government to ensure that appropriate provisions are made for financing the measures to be carried out under the State Plan prepared under sub-section (1).

(5) It shall be the responsibility of the State Government to ensure that copies of the State Plan are made available to its Departments and such Departments draw up their own plans in accordance with the State Plan.

CHAPTER IV

PREPARATION OF ANNUAL REPORT AND CLIMATE AUDIT

17. (1) The National Executive Committee and the State Executive Committee shall prepare an annual report about the activities of their Committee, meetings conducted and outcomes of such meetings and other incidental matters connected with any of the activities of the Committee, as the case may be.

Annual Report.

(2) The Central Government shall, in case of the annual report of the National Executive Committee, cause to be laid, as soon as may be after they are received, before each House of Parliament.

(3) The State Government shall, in case of the annual report of the State Executive Committee, cause to be laid, as soon as may be after they are received, before each House of the State Legislature.

18. (1) The National Executive Committee and the State Executive Committee shall prepare an annual Climate Change Accountability Report detailing the emission targets achieved in a particular year by the country as a whole or the State concerned, as the case may be against the set target along with necessary facts and explanations.

Annual Climate Change Accountability Report.

(2) The annual Climate Change Accountability Report under sub-section (1) shall be submitted to the Central Government or the State Government concerned, as the case may be, before the month of December, every year in such manner as may be prescribed.

(3) The Central Government shall, within three months from the receipt of the report from the National Executive Committee, cause to be laid, as soon as may be after they are received, an action taken report on the annual Climate Change Accountability Report before each House of Parliament.

(4) The State Government concerned shall, within three months from the receipt of the report from the State Executive Committee, cause to be laid, as soon as may be after they are received, an action taken report on the annual Climate Change Accountability Report before each House of the State Legislature.

Appropriate Government to make rules for emission clearance, etc.

19. The appropriate Government shall make rules for emission clearance, wherein industries and other construction activities have to attain prior emission clearance based on climate impact assessment.

CHAPTER V

DISTRICT CLIMATE CHANGE MITIGATION AND ADAPTATION AUTHORITY

Constitution of District Climate Change Mitigation and adaptation Authority.

20. (1) Every State Government shall, by notification in the Official Gazette, constitute a District Climate Change Mitigation and adaptation Authority for every district in the State with such name as may be specified in that notification.

(2) The District Authority shall consist of,-

(a) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, *ex-officio*;

(b) the elected representative of the local authority who shall be the co-Chairperson, *ex-officio*;

Provided that in the Tribal Areas, as referred to in the Sixth Schedule to the Constitution, the Chief Executive Member of the district council of the autonomous district, shall be the co-Chairperson, *ex-officio*;

Provided further that in case of district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority;

(c) the Chief Executive Officer of the District Authority, member, *ex-officio*;

(d) the Superintendent of Police of the district, member, *ex-officio*;

(e) the Chief Medical Officer of the district, member, *ex-officio*;

(f) not exceeding two other district level officers, to be appointed by the State Government, member, *ex-officio*;

(g) such number of experts from the field of climatology and Climate Change related sciences, members to be appointed by the State Government concerned in such manner as may be prescribed;

(h) such number of eminent persons as the committee deems fit to be appointed by the State Government concerned in such manner as may be prescribed.

(3) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the District Authority.

(4) The salary and allowances payable to, and other terms and conditions of services of the experts and eminent persons shall be such as may be prescribed.

21. (1) The District Authority may constitute one or more Advisory Committees or such other Committees consisting of experts in the field of climatology, climate change, and other concerned fields relating to climate change to make recommendations on different aspects of climate change.

Constitution of District advisory committees and other committees.

(2) The District Authority shall, from amongst its members, appoint the Chairperson of the Committee referred to in sub-section (1) and such other experts in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of services of the experts of the Advisory Committee shall be such as may be prescribed.

22. The District Authority shall act as the district planning, coordinating and implementing body for climate change mitigation and adaptation and take all measures for the purposes in the district in accordance with the guidelines laid down by the National Authority and the State Authority, as the case may be.

Powers and functions of District Authority.

23. (1) The District Authority shall, in consultation with the local authorities and in accordance with the National Plan and the State Plan, prepare a District Plan for climate change mitigation and adaptation to achieve net zero emission in the district to be approved by the State Authority.

District Plan.

(2) The District Plan prepared under sub-section (1) shall include—

(a) the areas in the district vulnerable to different forms of climate changes;

(b) the measures to be taken, for prevention and mitigation of climate change, by the Departments of the Government at the district level and local authorities in the district;

(c) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the district level and the local authorities in the district to respond to any threatening climate change situation or climate change; and

(d) such other matters as may be required by the State Authority.

(3) The District Plan prepared under sub-section (1) shall be reviewed and updated annually in such manner as may be prescribed.

(4) It shall be the responsibility of the State Government to ensure that appropriate provisions are made for financing the measures to be carried out under the State Plan prepared under sub-section (1).

(5) It shall be the responsibility of the District Authority to ensure that copies of the District Plan are made available to its Departments in the district.

(6) The District Authority shall send a copy of the District Plan to the State Authority which shall forward it to the State Government.

(7) The District Authority shall, review from time to time, the implementation of the District Plan and issue such instructions to different departments of the Government in the district as it may deem necessary for the implementation thereof.

CHAPTER VI

RESEARCH INSTITUTES ON CLIMATE CHANGE MITIGATION AND ADAPTATION

24. The appropriate Government may, with effect from such date as it may deem fit, establish such number of Research Institutes on Climate Change Mitigation and Adaptation as it deems necessary for carrying out the purposes of this Act.

Establishment of Research Institute on Climate Change Mitigation and Adaptation.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

National
Climate
Change
Mitigation
Fund.

25. The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Climate Change Mitigation Fund for the projects exclusively for the purpose of climate change mitigation and adaptation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.

Establishment
of funds
by State
Government.

26. The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:-

(a) the fund to be called the State Climate Change Response Fund; and

(b) the fund to be called the District Climate Change Response Fund.

Allocation
of funds by
Ministries and
Departments.

27. (1) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its climate change mitigation and adaptation plan.

(2) The provisions of sub-section (1) shall, mutatis mutandis, apply to departments of the Government of the State.

CHAPTER VIII

MISCELLANEOUS

Prohibition
against
discrimination.

28. The appropriate Government shall ensure that while providing compensation and relief to the victims of climate change, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

Power to
issue direction
by Central
Government.

29. Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to its Ministries or Departments, the National Executive Committee, the State Government, State Authority, State Executive Committee, statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the climate change mitigation and adaptation and such Ministry or Department or Government or Authority, Executive Committee, Statutory Body, officer or employee, as the case may be, shall be bound to comply with such direction.

Making or
amending
rules, etc.,
in certain
circumstances.

30. Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of Climate Changes or the mitigation thereof, it may require the amendment of such rules, regulation, notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose, and the appropriate department or authority shall take necessary action to comply with the requirements.

Power to make
rules.

31. (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in

making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

32. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government or the State Government, as the case may be, by notification in the Official Gazette, make order not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

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

STATEMENT OF OBJECTS AND REASONS

Climate change due to human activities is the primary reason for various changes in weather events, including extreme floods, droughts and heat waves across nations. Climate change poses greater risks for humanity as a whole which can induce water and food crises, lives and livelihood of entire communities are at risk of sea level rise due to increase in earth's atmospheric temperature.

The Government of India has ratified the Paris Agreement on December 12, 2015, which came into force in the year 2016. It is a legally binding treaty and aims to achieve limiting the increase in global average temperature below 2 degree celsius, preferably 1.5 degree celsius, compared to pre-industrial levels. India has intended to achieve the target to reduce emissions by 33-35 percent of its GDP by the year 2030 from the 2005 level.

In the recently held 26th Conference of Parties to the UNFCCC, India has pledged five important goals namely,-

- (a) Reach 500GW Non-fossil energy capacity by the year 2030;
- (b) 50 per cent of its energy requirements from renewable energy by the year 2030;
- (c) reduction of total projected carbon emissions by one billion tonnes from now to the year 2030;
- (d) reduction of the carbon intensity of the economy by 45 per cent by the year 2030, over 2005 levels; and
- (e) achieving the target of net zero emissions by the year 2070.

In light of the above stated goals and targets, India lacks the accountability mechanisms to measure the progress achieved towards realizing these targets. Therefore it is important to have a framework which will enable the country to take stock of the past, present and future with relevant data and plan the comprehensive policy actions which will enable the country to achieve the above stated goals and to have mitigate and adaptive plans on climate change.

Hence this Bill.

NEW DELHI;
January 23, 2024

KANIMOZHI KARUNANIDHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall constitute a National Climate Change Authority for the purpose of advising the Government on matters related to climate change and policy actions needed to achieve targets under Paris agreement and net-zero emissions by the year 2070. Clause 5 provides for the constitution of a National Executive Committee to assist its departments and authorities in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the National Authority and ensure the compliance of directions issued by it under this Act. It also provides for the appointment of experts to the Committee. Clause 6 provides for the constitution of Advisory Committee consisting of experts in the field of climatology, climate change, and other concerned fields relating to climate change at the National, State, and District level to make recommendations on different aspects of climate change. Clause 7 provides for the constitution of sub- Committees. Clause 10 provides for the constitution of a State Climate Change Authority for the State. Clause 11 provides for the constitution of Advisory Committees. Clause 13 provides for the constitution of a State Executive Committee to assist its departments and authorities in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by it under this Act. It also provides for the appointment of experts to the Committee. Clause 14 provides for the constitution of sub- Committees. Clause 20 provides for the constitution of District Climate Change Mitigation and adaptation Authority in the district. Clause 21 provides for the constitution of Advisory Committees. Clause 24 provides for the establishment of Research Institutes on Climate Change mitigation and adaptation. Clause 25 makes it obligatory for the Central Government to provide funds to the National Climate Change Authority for carrying out the purposes of the Bill.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, the expenditure, whether recurring or non-recurring will be met out of the Consolidated Fund of India. It is expected that a recurring expenditure of about rupees one hundred crore per annum will involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 31 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, therefore, of a normal character.

Bill No. 92 of 2025

A Bill to ensure protection, fair livelihood and access to essential services for salt workers across the country, including healthcare, old age support, maternity benefits and education for their children and for all matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Salt Workers (Welfare) Act, 2025.

(2) It extends to the whole India.

(3) 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:—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases the Union Government;

Short title,
extent and
commencement.

Definitions.

(b) “Board” means the Salt Workers Welfare Board constituted under section 3;

(c) “employer” means any person who employs, whether directly or through any other person, or contractor, whether on behalf of himself or on behalf of any other person, one or more labourer or workers for work connected with salt making from sea or salt lake, as the case may be, including handling of salt;

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

(e) “salt worker” means any person engaged in making salt from sea or lake water on land by digging shallow wells and pumping out brine or in a chemical factory or any related occupation as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self employed person.

Formulation
of National
Policy for
Salt and Salt
Workers.

3. (1) The Central Government shall, by notification in the Official Gazette, formulate a National Policy of Salt and Salt Workers.

(2) The National Policy formulated under sub-section (1) shall include,—

- (a) a common salt policy for the entire country;
- (b) declaration of salt as an agricultural product;
- (c) welfare measures and social security for the salt workers; and
- (d) the policy for Cooperative salt farming.

Constitution of
Salt Workers
Welfare
Board.

4. **The Central Government shall, by notification in the official gazette, constitute a Board to be known as the Salt Workers Welfare Board for carrying out the provisions of this Act.**

The Board shall consist of,—

(1) such number of representatives from the Union Ministry of Labour and Employment as the Central Government deem fit;

(2) such number of representatives from State Government as the Central Government in consultation with State Governments appoint;

(3) such number of representatives of salt worker unions as the Central Government may by notification appoint;

(4) such number of representatives of NGOs and civil society organisations as the Central Government may by notification appoint; and

(5) such number of industry and technical experts to be nominated by the Central Government in such manner as may be prescribed.

Functions of
Salt Workers
Welfare
Board.

5. The Board shall,—

- (a) formulate policy guidelines for welfare measures;
- (b) monitor the implementation of welfare schemes for salt workers;
- (c) hear appeals and complaints, and impose fines for violations of the provision of this Act in such manner as may be prescribed;
- (d) establish a welfare fund for salt workers; and**
- (e) recommend reforms and submit annual reports to the Central Government.

6. The appropriate Government shall ensure that every salt-producing district constitute a District-Level Salt Welfare Committee consisting of representatives from,—

District-Level
Salt Welfare
Committees.

- (a) Local administration;
- (b) Salt Worker groups;
- (c) Health and Education Departments; and
- (d) Local NGOs.

7. (1) **The appropriate Government shall ensure that every salt worker is mandatorily registered through a digital portal established and maintained in this behalf in such manner as may be prescribed.**

Responsibility
of the
appropriate
Government.

(2) **Every registered Salt Worker under sub-section (1) shall be issued Smart ID Card linked to Aadhaar, e-Shram and Jan Dhan accounts.**

(3) The appropriate Government shall ensure provision of portability and periodic updates of the registered Salt Workers under its jurisdiction.

8. (1) It shall be the duty of the Central Government to undertake such relevant measures as it thinks fit for the welfare of salt workers with the help of salt farm owners and salt farmers.

Duty of
the Central
Government.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for,—

- (a) maintaining a record of salt workers with such particulars and in such manner as may be prescribed;
- (b) ensuring that the wages of salt workers are not less than the minimum wages prescribed by it for such workers, from time to time by the Board;
- (c) **ensuring protection from exploitation and availability of work around the year for the salt workers through skill training and by generating allied income activities for them;**
- (d) **provision of the old age pension to the salt workers;**
- (e) **provision of medical care, in particular for the eye and skin-related diseases caused by salt and salty water, which the salt workers have to handle while making salt, with both the indoor and outdoor patient facilities for the salt workers and their family members;**
- (f) **conducting regular medical check-up camps at least once a year for the salt workers;**
- (g) **payment of compensation to the next of kin in case of the death of salt workers;**
- (h) **maternity and creche facilities for the female salt workers;**
- (i) **educational facilities to the children of salt workers, free of cost;**
- (j) **water supply for drinking and other purposes for the salt workers;**
- (k) **measures for improving the standard of living and nutrition of salt workers;**
- (l) **providing financial assistance to the salt workers in case of infirmity or disability due to accident or any other reason;**

(m) ensuring the safety and proper working conditions for salt workers by providing necessary protective equipment such as footwear, safety glasses, gloves, and other relevant gear;

(n) availability of functional toilet facilities at the salt pan sites, with separate provisions for males and females;

(o) insurance to salt farmers under the Pradhan Mantri Fasal Bima Yojana where by the Salt farmers may be required to pay a 1.5 per cent premium and the affected Governments to bear the remaining premium;

(p) declaration of the Minimum Support Price (MSP) for Salt; and

(q) such other welfare measures as may be prescribed.

9. In the second Schedule of the Mines and Minerals (Development and Regulation) Act, 1957, in entry 51 the words “rocksalt” shall be omitted.

67 of 1957.

Amendment of the Mines and Minerals (Development and Regulation) Act 1957.

Overriding effect of the Act.

Power to remove difficulties.

Power to make rules.

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 dealing with the subject matter of this Act.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may make such order to give such direction, not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for the removal of the difficulty and any such order shall be final.

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

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

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

STATEMENT OF OBJECTS AND REASONS

Salt production is a cornerstone of India's economy, ranking as the third-largest producer globally. The industry is predominantly labour-intensive, employing a large number of workers daily. These workers, despite their immense contribution, remain among the most socio-economically deprived in the country and there is no national policy for them. There are some States which have implemented policies for salt workers but there is a need for National Level Policy for all the Salt Workers in the Country.

Salt workers endure extreme climatic conditions, prolonged exposure to saline environments, and a lack of protective infrastructure. This takes a severe toll on their physical health, resulting in chronic ailments such as skin diseases, eye disorders, and musculoskeletal problems. Women workers, who constitute a significant portion of the workforce, are further burdened due to the absence of maternity care, childcare support, and safe working environments.

Education remains out of reach for many children of salt workers, leading to high dropout rates and intergenerational poverty. The lack of formal employment contracts, social security coverage, and institutional recognition further compounds the vulnerability of these workers. Despite being essential to the nation's food and chemical industries, salt workers are often invisible in the policymaking process.

This Bill seeks to correct these historical and systemic injustices through a rights-based, comprehensive approach. It aims to provide for the following:

- (i) Legal recognition of salt workers and enumeration of those engaged in the sector, both permanent and seasonal;
- (ii) Guaranteed minimum earnings through fair and timely remuneration mechanisms;
- (iii) Healthcare access, including preventive and curative services tailored to the specific occupational hazards faced by salt workers;
- (iv) Minimum Support Price (MSP) for salt;
- (v) Protection against salt farming through various calamities by availing Insurance for salt farming;
- (vi) Recognising the salt as agricultural and not a mineral;
- (vii) Support for elderly workers, including old-age assistance and pension schemes;
- (viii) Maternity care and reproductive health services for women workers;
- (ix) Educational facilities and scholarships for children of salt workers, with provisions to prevent child labour;
- (x) Basic amenities in salt-producing areas, such as housing, clean drinking water, sanitation and transportation; and
- (xi) Institutional mechanisms for grievance redressal, worker participation, and oversight of implementation.

The objective of this Bill is not merely welfare but justice—restoring dignity, security, and opportunity to a workforce that has been historically excluded from the benefits of economic growth. A welfare State has to extend meaningful protections to those who contribute silently and consistently to its development.

The Bill, therefore, marks a step toward fulfilling the constitutional promise of equality, fraternity, and social justice. It is a call to action for the nation to stand with its salt workers, not in charity, but in recognition of their rights and humanity.

Hence this Bill.

NEW DELHI;
July 4, 2025.

KANIMOZHI KARUNANIDHI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the salt workers Welfare Board by the Central Government. Clause 5 provides for the establishment of a welfare fund for salt workers. Clause 7 provides for establishment of a digital portal where salt workers are mandatorily registered. Clause 8 provides for various welfare measures for the benefit of salt workers. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

The recurring and non-recurring expenditure on this count cannot be estimated at this stage, but has to be worked out by the Central Government while implementing the provisions of the Act.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 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. 167 of 2024

to create mass awareness among the people of all walks of life to prevent breast cancer among females, provide access to free screening and mammography for the women across the country and provide the advanced state-of-the-art treatment for those diagnosed with breast cancer and for matters connected therewith.

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 Breast Cancer (Awareness) Act, 2024.

(2) It extends to the Union territories only.

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

Short title,
extent and
commencement.

Definitions.

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

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

(b) “breast cancer” means a disease in which cells in the breast begin to grow out of control to form a lump;

(c) “events” includes seminars, workshops and awareness campaigns;

(d) “free medical treatment” includes supply of medicines, laboratory tests, medical therapy and other medical procedure free of cost to breast cancer patients;

(e) “notification” means notification as published by the Official Gazette;

(f) “screening” means the mammography or X-ray of the breast to diagnose breast cancer; and

(g) “prescribed” means as prescribed by rules made under this Act.

Central Government to create awareness.

3. The Central Government shall take such steps, as may be necessary, for creating awareness among the masses about the symptoms and treatment of breast cancer through the means of mass media and by organizing such events as it deem fit.

Appropriate Government to provide free medical screening.

4. The appropriate Government shall provide for free medical screening in both urban and rural areas with the aid of local authorities to diagnose cases of breast cancer.

Appropriate Government to provide free medical treatment.

5. The appropriate Government shall provide free medical treatment to every breast cancer patient in Government hospitals, in such manner as may be prescribed.

Constitution of National and State Level Committees.

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Level Committee to monitor the progress regarding awareness amongst the masses about the symptoms and treatment of breast cancer.

(2) The National Level Committee constituted under sub-section (1) shall consist of,—

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

(b) such number of oncologists, surgical oncologists, medical professionals and representatives from non-Governmental Organisations involved in breast cancer awareness programme to be nominated by the Central Government in such manner as may be prescribed- members; and

(c) the Secretary, Union Minister of Health and Family Welfare, – member-secretary— *ex-officio*.

(3) The National Level Committee shall meet at least once in six months and submit a report regarding the progress in creating awareness about the symptoms and treatment of breast cancer to the Government in such manner as may be prescribed.

(4) The Central Government on receipt of report under sub-section (3) shall cause such report before each House of Parliament.

(5) The salary and allowances payable to and other terms and conditions of services of members of the National Level Committee shall be such 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 adequate funds, from time to time, to the State Governments for effective implementation of the provisions of this Act.

Act to have override effect.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

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

Act not in
derogation of
other law.

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

Power to make
rules.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the 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 modifications in the rule or both the Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Breast cancer among females has been on a rapid rise in the last decade and according to Indian Council of Medical Research 1.5 lakh new cases of breast cancer were reported in the year 2016. Moreover, the National Cancer Registry and Indian Council of Medical Research put breast cancer as the most common cancer in women in India. Breast cancer accounts for 29 per cent. of all cancers in women in India, with the incidence rising in the early thirties and peaking at ages 50-65 years. It is estimated that one in 28 women is likely develop breast cancer during her lifetime.

Due to unawareness among masses about the rapid rise and severity of breast cancer, it is usually diagnosed in an advanced stage, where the treatment becomes ineffective and expensive. Recent trends also show that in India younger women are also exposed to the risk of breast cancer.

The Centre and State Governments should work together to provide free diagnosis and medical treatment to women affected with breast cancer and help combat this grave disease.

Hence this Bill.

NEW DELHI;
November 13, 2024

T. SUMATHY(A) THAMIZHACHI THANGAPANDIAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Central Government shall create awareness amongst masses about the symptoms and treatment of breast cancer. Clause 4 provides for free medical screening of women to diagnose breast cancer. Clause 5 provides for free medical treatment of breast cancer patients. Clause 6 provides for the constitution of National Level Committee to monitor the progress regarding awareness amongst the masses about the symptoms and treatment of breast cancer. Clause 7 provides that the Central Government shall provide adequate funds to the State Government for the purpose of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore would be involved as recurring expenditure per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 182 of 2024

A Bill to amend the Digital Personal Data Protection Act, 2023.

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 Digital Personal Data Protection (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.

Amendment of
section 2.

2. In section 2 of the Digital Personal Data Protection Act, 2023 (hereinafter referred to as the principal Act), for clause (f), the following clause shall be substituted, namely:—

“(f) child” means an individual who has not completed the age of sixteen years or such lower age not below thirteen years as the Central Government, for the purpose of the Act, notify;”.

Amendment of
section 7.

3. In section 7 of the principal Act, after clause (i), the following clause shall be inserted:—

“(j) for advancing and protecting the individual rights and best interest of children, gender minorities and persons with disabilities.

(k) for the transference, upon the request of the data subjects’ legal guardians or parents, as the case may be, to another authorized data fiduciary.”.

Amendment of
section 9.

4. In section 9 of the principal Act,—

(a) after sub-section (2) the following sub-sections shall be inserted, namely:—

“(2A) A Data Fiduciary shall undertake only such processing of personal data of child which is in the best interest of the child, as may be prescribed based on the cognitive development levels.”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:

“(3) The Central Government may, upon an assessment of factors pertaining to the best interest of children based on the cognitive development levels, including the nature of digital products or service and associated risks from processing personal data, restrict Data Fiduciaries from undertaking tracking, behavioural monitoring or targeted advertising, for certain prohibited purposes, directed at children.”;

(c) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) The provisions of sub-sections (1) and (3) shall not be applicable to a data fiduciary who undertakes a self-assessment to adhere to the best interest of the child in such manner prescribed.

(4A) The self-assessment under sub-section (4) may be presented to the Data Protection Board in such manner as may be prescribed.

(4B) Notwithstanding anything contained in sub-section (4) and (4A), the Central Government may approve any self-assessment practice submitted by an industry or trade association, an association representing the best interest of children, any sectoral regulator or statutory Authority, or any departments or ministries of the Central or State Government.”; and

(d) in sub-section (5), for the words “sub-sections (1) and (3)”, the words “sub-section (1)” shall be substituted.

Amendment of
section 40.

5. In section 40 of the principal Act, in sub-section (2), after clause (j), the following clauses shall be inserted, namely:—

“(ja) self-assessment process and the conditions relating to presentation of the same to Data Protection Board under sub-sections (4) and (4A) of section 9; and

(jb) the manner and conditions to determine verifiably safe the personal data of children under sub-section (5) of section 9.”.

STATEMENT OF OBJECTS AND REASONS

The Digital Personal Data Protection Act, 2023 has been enacted to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes. However, the default stance within the legislation should assert that all entities designated as Data Fiduciaries (DFs) bear equivalent responsibilities when processing the data of children. These responsibilities are primarily oriented towards preventing any harm to the well-being of the child. Consequently, compelling reasons exist necessitating an amendment to adopt a more refined approach to safeguarding children's privacy. Among these reasons are the pervasive low levels of digital literacy among children and an undue dependence on parental consent.

Estimates from the National Statistical Office (78th Round 2020-21) reveals that less than forty per cent. Indians know how to copy or move files on a computer, with an even lesser proportion having knowledge of internet use. The survey also found that digital literacy is better in lower age groups and reduces among older populations and is worse off in rural households, compared to urban ones. Despite this context, the proposed Bill relies on parental consent, assuming parents to be better placed to understand the potential risks of online data processing.

The proposed Bill curiously is willing to provide exemptions from parental consent requirements for certain DFs who will be certified as being 'verifiably safe'. Such DFs will be permitted to process data of children above a certain age without having to obtain parental consent or complying with prohibitions on tracking and monitoring. This has two issues. It increases bureaucratic entanglement in the dynamic digital economy and is likely to affect innovation and incremental changes by platforms who seek to create more value for children using their products or services. It also discriminates among DFs who may be offering equally strong protections while processing children's data, but may not have applied for the 'verifiably safe' certification, for reasons of resource constraints, limited administrative capacity, etc.

Across the world, technology platforms, who are DFs, have devised various means of protecting children's interests on their platforms, with mechanisms for prediction, prevention, and remedying possible harms which may befall them. For instance, this includes mechanisms to track behavior and content posted by children, to review whether they are exposed to any content which may be promoting violence, self-harm, hate speech, etc., and which may be detrimental to their well-being. Instead of creating a healthy discourse around proactively preventing harm to children, the Bill takes refuge in the fact that it mandates parental consent. The Minister of State in an interview has also indicated the Government's intention to push platforms towards '100% KYC' of every user, meaning collection of KYC details of parents and of children. The underlying belief here is that once parents' consent for their child to use a service, the imperative for further supervision on how the child uses the platform reduces. This not only dilutes the 'data minimization' principle, but also is likely to put children at immense risk of harm, and ought to be countered with serious urgency.

And lastly, the Bill's approach also threatens the decisional autonomy of minors, especially of teenagers whose maturity can be reasonably distinguished from younger children. The proposed Bill's approach will potentially also propagate existing gender biases and disadvantage young girls further, who tend to face hurdles in accessing digital devices in the first place, particularly in patriarchal setups. The proposal of age is directly contrary to various other policies and legislations like as being allowed to work from age 14 and drive a vehicle from age 16. The Cinematograph Act, 1952 also clearly distinguishes between

the differing maturity levels of children of different age groups under 18 (7, 13 and 16). It would be wise if different laws addressing the same category of people *i.e.*, children reflect the same level of nuance when assessing their maturity levels. A law regulating access to new age tech must be even more attuned to the needs and the agency of young users of the internet.

Hence this Bill.

NEW DELHI;
November 13, 2024

DR. T. SUMATHY (A) THAMIZHACHI THANGAPANDIAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill *vide* proposed amendment to section 40 provides for the Central Government to make rules regarding self-assessment process and the conditions relating to presentation of the same to Data Protection Board under sub-sections (4) and (4A) of section 9 and the manner and conditions to determine verifiably safe the personal data of children under sub-section (5) of section 9 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. 247 of 2024

A Bill to provide for the welfare, protection and security of domestic workers 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 Domestic Workers (Regulation of Work and Social Security) Act, 2024. Short title extent, application and commencement.
- (2) It extends to the whole of India
- (3) It shall not apply to domestic workers migrating for employment to any other country.
- (4) 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 or a Union Territory having legislature, the concerned State Government or the Union Territory Government, as the case may be, and in all other cases, the Central Government;

(b) "Child" means a person who has not attained eighteen years of age;

(c) "Domestic Work" means work performed in or for a private household(s) and includes cooking, cleaning, housekeeping, driving, gardening, childcare, and old-age care, but does not include work related to businesses run from private households;

(d) "Domestic Worker" means any person engaged in domestic work in exchange of remuneration, whether in cash or in kind, within an employment relationship, either directly or indirectly, through conventional mode or digital medium, irrespective of the period of their employment;

Provided that a domestic worker shall include "Replacement worker" who is working as a replacement for the main workers for a short and specific period of time as agreed with the main Worker and the Employer;

(e) "Discrimination" means any form of differential treatment on the basis of caste, race, region, language, colour, sex, gender, creed and religion, disabilities, nature of work or age, at the place of work;

(f) "Dispute" means any dispute or difference between employer(s) and employer(s), or between employer(s) and domestic worker(s), or between domestic worker(s) and domestic worker(s), or between placement agency or employer, or placement agency or placement agency, or placement agency or domestic worker(s) which is connected with the employment or non-employment or the terms of employment or with the conditions of work under this Act;

(g) "District Board" means the District Domestic Workers Welfare Board established under Section 24 of the Act;

(h) "Employer" means a person living in a private household, who has employed a domestic worker, either directly or otherwise for remuneration for doing domestic work,

(i) "Employment Agreement" means an agreement that lays down terms and conditions of employment, non-employment and conditions of work between the employer and domestic worker and duly agreed upon between the parties, as prescribed therein;

(j) "Forced Labour" includes any or all of the following activities: (i) compelling a person to offer his/ her/ their services as a Domestic Worker against his/ her/ their will or consent; (ii) non-payment of minimum wages by the employer; (iii) compelling a person for domestic work without wages in lieu of repayment of a debt. (iv) Compelling the domestic worker to forgo weekly leaves and public holidays; (v) Compelling the domestic worker to work on public holidays without their consent and adequate compensation as prescribed; (vi) Any other activity as determined by the appropriate government.

(k) "Full Time Worker" means a person who is employed as a domestic worker in a single household for working hours as specified in Section 28 (2) of the Act;

(l) "Fund" means Domestic Workers Social Security Fund established under Chapter IV of the Act;

(m) "Labour Department" means the Labour Department of the Appropriate Government;

(n) "Live-in domestic worker" means a domestic worker employed to perform domestic work by residing in the employer's premises that includes an outhouse, servant quarter or similar space owned or rented by the employer that may or may not be adjacent to the concerned household;

(o) "Notification" means a notification published in the Official Gazette; (p) "Part Time Worker" means a person who is employed as a domestic worker for less than prescribed daily working hours of that of a full-time worker, whether or not employed in single or multiple households;

(q) "Placement Agency" means any agency or bureau or contractor or person(s) or association, whether registered or otherwise, engaged in the placement of domestic workers with prospective employers and includes such agency or person offering such services through any print, electronic or any form of communication;

(r) "Prescribed" means Rules prescribed under the Act by the appropriate government as the case may be;

(s) "Replacement worker" means a domestic worker hired, directly or indirectly, as a replacement of the main worker for a short period of time/ on a temporary basis.

(t) "State Board" means the State Domestic Workers Welfare Board established under Section 19 of this Act;

(u) "Trafficking" means to recruit, transport, transfer, harbour, or receive a person by means of abuse of power or taking advantage of his/ her/ their position of vulnerability by threat or use of force or coercion, abduction, fraud, deception; and includes giving or receiving of payments or benefits to achieve the consent of such person having control over another person. Provided that it can also include deducting any amount or taking commission from the employer, from the salary of the domestic worker without her consent. Further provided that Placement without registration by the placement agencies would amount to Trafficking for the purpose of this Section.

(v) "Workplace" means any household such as house, bungalow, flat, villa, farm house or such other premises or a place including vehicles where a Domestic Worker works as per the terms of the employment agreement.

(w) "Wages" means all remuneration which are earned by an employee while on duty or on leave in accordance with the terms and conditions of his/ her/ their employment and which are paid or are payable to him/her through cash, via bank transfer and includes dearness allowance, but does not include any bonus, commission, house rent allowance, overtime wages and any other allowance.

3. (1) Every domestic worker shall have the right to—

Rights of Domestic Workers

- (a) work and earn livelihood, free from all forms of forced labour;
- (b) earn such minimum wages, as may be prescribed, including allowances for overtime;-
- (c) such decent working and living conditions, as may be prescribed, including reasonable working hours, periods of rest, annual paid leave and maternity leave, as the case may be;
- (d) access to benefits under social security schemes of the appropriate Government;
- (e) redressal of grievances through such appropriate mechanism as may be prescribed;

4. (1) No Domestic Worker shall be employed without an agreement in writing entered into between the employer and the worker.

Prohibition of employment of Domestic Worker without agreement.

(2) Such an agreement shall follow the minimum labour standards laid down in the Model Employment Agreement prescribed under the Rules.

(3) The Model Employment Agreement shall specify the name and other particulars, nature of assignment of the employee, hours of work, the wages and other benefits to which the worker is entitled, including the mode of payment of such wages and other contributions.

5. 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 other laws.

CHAPTER II

REGISTRATION

6. (1) Notwithstanding anything contained in any law for the time being in force, all Domestic Workers, employers or placement agencies shall be registered as per procedure herein after prescribed. Provided that only Indian citizens above eighteen years of age shall be allowed to register as domestic workers with the Board.

Registration of Domestic Workers, Employers and Placement agencies.

(2) An application for registration shall be made in such form, accompanied by such documents together with such fee as may be prescribed, to the District Board on this behalf.

(3) A domestic worker may submit an application for registration to the District Board, accompanied by the prescribed registration fee, and the District Board shall register the applicant if it is satisfied that the applicant has complied with the relevant provisions of the Act.

(4) Any person aggrieved by the District Board's decision may appeal to the State Board within thirty days, with the State Board's decision being final, though it may allow an appeal after the deadline if satisfied that a sufficient cause prevented timely filing.

(5) Registration certificates will be issued to the respective domestic workers, employers and placement agencies.

7. Every placement agency shall, prior to the process of recruitment or engagement of domestic workers at workplace, register themselves with the District Board, through an application along with the prescribed fee, providing such details as prescribed.

Compulsory
Registration of
placement agency.

8. Every employer, within one month of the commencement of the employment of a domestic worker, shall submit to the District Board, an application along with prescribed fee for registration, providing such details as prescribed.

Compulsory
Registration of
Employer.

9. (1) A placement agency engaging a domestic worker shall ensure the worker's registration with the District Board within one month of the commencement of work, submitting an application with the prescribed fee paid by the worker and providing required details.

Compulsory
Registration of
Domestic Worker

(2) An employer directly engaging a domestic worker, or multiple employers for part-time work, shall ensure the worker's registration with the District Board within one month of work commencement, with the prescribed fee paid by the worker; failure to comply shall incur liability on all employers as specified under Chapter VII of the Act.

10. (1) Subject to Section 8 (1), if the employer or placement agency fails to register themselves under the Act and continue to employ or engage domestic worker, then the penalties prescribed under Section 43 (1) of this Act shall apply. Effect of nonregistration

(2) If the employer or service provides fails in their duty to register domestic worker under this Act and continue to employ unregistered domestic worker, then the penalties under Section 43 (1) shall apply.

11. (1) A registration certificate shall be renewed at an interval of One year, on the payment of fee as may be prescribed. Renewal of registration certificate.

(2) Renewal of registration shall be carried out by placement agencies, employers and domestic workers, to continue with their status.

12. If the employer or placement agency fails to renew their registration or domestic worker's registration employed under them, penalties prescribed in Section 43 (1) and 43 (3) under this Act shall apply. Effect of nonrenewal.

13. (1) The employer and the placement agency shall pay a Cess amount as may be prescribed, as annual contribution towards the Fund. This shall be paid at the time of registration and further at renewal of registration annually. Payment of annual contribution.

(2) The Domestic Worker shall pay a nominal amount as annual contribution as may be prescribed, till she continues to renew her registration or till she retires as Domestic Worker.

14. (1) In case of failure to pay annual contribution to the District Board along with registration or renewal fees, the penalties mentioned under Section 43 (2) and 43 (3) shall apply. Effect of Nonpayment of annual contribution.

(2) On failure to pay annual contribution by the domestic worker during employment, the worker ceases to be beneficiary of the welfare Fund under the Act. The status of the beneficiary will be restored on the payment of the pending contribution at any time.

15. (1) Subject to the provisions of this Act, every Domestic Worker above the age of eighteen years, registered with the District Board under this Act, shall be entitled to the benefits provided by the District Board from its Domestic Workers' Social Security and Welfare Fund (Fund) under this Act. Beneficiaries of the Fund.

(2) Every Domestic Worker above the age of sixty years shall continue to be beneficiary under this Act, for the purposes of Pension and other welfare benefits.

16. (1) The District Board shall issue an identity card, with the beneficiary's photograph, upon registration and payment of the annual contribution, and the beneficiary shall produce the card upon request by any Government officer, District Board official, employer, or placement agency for inspection. Identity cards.

CHAPTER III

IMPLEMENTING AUTHORITIES UNDER THE ACT

17. (1) The Central Government shall constitute a Committee to be called the Central Committee to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act. Central Committee.

(2) The tenure of the Committee shall be three years and proportionate representation shall be ensured from Government, Civil Society Organizations/Trade Unions, Domestic Workers and employers.

(3) The Central Committee shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed.

(4) The salary and allowances payable to and other terms and conditions of service of members of the Central Committee shall be such as may be prescribed.

(5) The members of the Central Committee shall meet once every six months to review the working of the Act.

18. (1) The Central Committee shall perform the following functions:

Functions of the Central Committee.

(a) Review and monitor the implementation of the Act and its rules, recommending changes to the Central and State Governments/Union Territories, and prepare an annual report on its administration;

(b) Oversee the implementation of the Act across all States and Union Territories;

(c) Advise State Boards on schemes related to social security, health, education, and welfare for Domestic Workers and their families;

(d) Prescribe minimum standards for decent work conditions, in consultation with State Boards, and recommend strategies for the elimination of trafficking, forced, bonded, and child labor.

19. (1) The State Government shall, with effect from such date as it may, by notification, appoint and constitute a State Board to be known as the State Domestic Workers Welfare Board to exercise the powers conferred on, and perform the functions assigned to it under this Act.

Constitution of State Domestic Workers Board.

(2) The State Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Chairperson of the State Board shall be a person appointed by the State Government,

(4) The State Board shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed.

(5) The salary and allowances payable to and other terms and conditions of service of members of the State Board shall be such as may be prescribed.

20. The State Board shall:

Functions of the State Boards.

(1) Make regulations with the prior approval of the State Government, consistent with this Act and the State rules, for matters provided under this Act;

(2) Constitute and administer the Fund as specified in Section 27 of this Act;

(3) Appoint a Secretary, officers, and employees as necessary for efficient discharge of its functions under this Act;

(4) Constitute the District Boards as prescribed in Section 25 of this Act; (5) Facilitate the online presence of the District and State Boards for administrative transparency;

(6) Review and monitor the functioning of District Boards, ensuring proper and effective implementation of the Act;

(7) Frame Social Security and Welfare Schemes for distribution to beneficiaries by the District Boards;

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

Central Government to provide adequate funds.

22. The State Board shall prepare, in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the State Government and the Central Government.

Budget

23. (1) Maintain proper accounts and relevant records, preparing an annual statement of accounts in the prescribed form;

Accounts and audit.

(2) Ensure the accounts are audited annually by the Controller and Auditor General of the State Government;

(3) Grant the auditor access to books, records, and documents, and provide explanations or information as required for the audit;

(4) Submit the audited accounts and report to the State Government by the prescribed date;

(5) Comply with any directions issued by the State Government following review of the auditor's report, with audit costs to be borne by the State Board.

(6) The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the State Legislature.

24. (1) The appropriate Government shall, by notification in the Official Gazette, constitute a District Board in each of the districts, to be known as "District Domestic Workers Welfare Board", for carrying out the purposes of this Act:

District Domestic
Workers Welfare
Board

(2) The District Board shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed. Provided that the Board shall include an equal number of members representing the State Government, Civil Society Organisations/ Trade Unions (working on domestic workers)/Domestic Workers and employers and that at least more than two-third members of the Board shall be women.

(3) The salary and allowances payable to and other terms and conditions of service of members and staff of the District Board shall be such as may be prescribed.

(4) The procedure to be followed by the District Board in the discharge of its functions and the manner of filling up of vacancies shall be such as may be prescribed.

25. (1) The District Boards shall perform the following functions:

Functions of the
District Domestic
Workers Welfare
Board.

(a) The Board shall carry out or cause to carry out the registration of domestic workers, employers and placement agencies / placement agency as per the procedure prescribed under the Act, in the name and Account of State Board either directly or through the Workers' Facilitation Centres and maintain records and registration of domestic workers as beneficiaries under the Act;

(b) The District Board shall collect cess in the name and account of the State Board from placement agencies and employers at the time of registration as prescribed;

(c) The District Board shall implement and disburse social security and welfare benefits framed by the State Board under Section 20 of the Act;

(d) The District Board shall undertake the responsibility of Renewal of registration certificate and collection of annual contribution.

(e) The District Board shall issue of identity card for the beneficiary with details of the employer.

(f) The District Board shall authorise the members of the Workers' Facilitation Centre to carry out surprise visits to the working place of the Domestic Workers and check the implementation of the Act.

(g) provide a helpline number for use of domestic workers for registering instance of contraventions of the provisions of this Act.

26. (1) The Appropriate Government may set up such Workers' facilitation centres, subject to such rules and in such specific areas, as may be prescribed, from time to time to perform the following functions, namely:-

(a) Disseminate information on available social security and welfare benefits for domestic workers;

(b) Facilitate the filling, processing, and forwarding of registration applications and annual contributions for employers, placement agencies, and domestic workers;

(c) Assist domestic workers in obtaining registration from the District Board, enrolling in social security schemes, and accessing welfare benefits.

CHAPTER IV

ESTABLISHMENT OF FUND

27. (1) There shall be formed a Fund, to be called the Domestic Workers Social Security and Welfare Fund, and credited thereto- Domestic Workers Social Security and Welfare Fund.
- (a) 1% of House Tax collected by the local bodies shall be contributed towards Social Security and Welfare benefits of Domestic Workers and credited to Domestic Workers Welfare Fund every year;
 - (b) Any grants made to the Fund by the appropriate Government or any other person or organisation;
 - (c) Any income from investments made in or through any Nationalised Bank of the amounts in the Fund
 - (d) All fines collected under this Act.
 - (e) All other sums received by the Board from any other sources.
- (2) The Fund allocated to the District Board shall be used for:
- (a) Expenditures on welfare measures or facilities for the benefit of domestic workers as decided by the State Board;
 - (b) Sanctioning money for welfare schemes, including family welfare, education, insurance, and other welfare measures;
 - (c) Meeting costs necessary for promoting social security and welfare of domestic workers.

CHAPTER V

REGULATION OF THE WORKING CONDITIONS

28. (1) Every employer and placement agency shall: Duties of the employer and placement agency.
- (a) ensure registration with the appropriate Government and obtain a registration certificate, in such form as may be prescribed;
 - (b) provide for the registration of the employment agreement, engaged through the agency, to the appropriate Government, in such form as may be prescribed;
 - (c) ensure that fees charged on registration, etc. is not deducted from the remuneration of domestic workers; and

(d) maintain proper registers and records of domestic workers, placements of domestic workers, payments and terms of employment.

(2) Every employer and placement agency shall:

(a) ensure decent living conditions of the domestic workers;

(b) provide for of such minimum wages, as may be prescribed, including allowances for overtime, to the domestic worker;

(c) engage the domestic worker for such work hours, as may be prescribed;

(d) provide for education of children of resident domestic workers;

(e) provide for payment of compensation for any injury caused to a domestic worker by an accident arising out of and in course of his/her employment; and

(f) provide for registration of the employment agreement with domestic workers engaged directly to the appropriate government in such manner as may be prescribed.

29. (1) No Domestic Worker shall be required or allowed to work in any household for more than nine hours in any day or for more than forty-eight hours in any week; Working hours are to be defined as per the nature of work and taking eight hours as maximum, with sufficient periods of rest and food for full-time workers; provided that the work span should not be more than twelve hours for live-in (with three to four hours of rest in between), and similarly, full-time live-out workers, the work span should not be more than eight hours. Provided that any adult employee may be allowed to work in such household premises for any period in excess of the limit fixed under this section, subject to the payment of overtime wages, if the period of work exceeds forty-eight hours a week and, including overtime work, does not exceed ten hours in any day and, in the aggregate, fifty hours in any week. Working Hours.

(2) Weekly holidays – Every employee irrespective of being a full-time, part-time, live-in, night-shift employee will be entitled to a paid weekly day off.

(3) Restriction on overtime- The total hours of work in any day shall not exceed 10 hours in a day. The overtime work in a week, if any, shall not exceed Twelve hours in the aggregate.

(4) Wages for overtime work – Where a domestic worker works for more than the maximum working hours as prescribed in Section 29(1), s/he shall, in respect of the overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

(5) Interval for rest – The periods of work of an employee each day shall be so fixed that no period shall exceed five hours and that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

30. (1) The appropriate Government shall by notification –

Minimum Wages.

(a) fix the minimum rates of wages payable to the Domestic Workers.

(b) Review minimum wages at such intervals as it may think fit. Such intervals shall not exceed five years.

(2) The appropriate Government may fix-

(a) minimum rate of wages for time work (hereinafter referred to as 'a minimum time rate');

(b) a minimum rate of wages for piece work (hereinafter referred to as 'minimum piece rate'); and

(c) Minimum rates of wages may be fixed by any one or more of the following wage- periods, namely:- i. by the hour, or ii. by the day, or iii. by the month;

31. (1) The employer shall directly pay the wages to the bank account of the employee within the first five days of the month; (2) The wage period shall not exceed one month.

Payment of Wages.

32. (1) Sick Leave- In addition to the weekly holiday under Section 29 of this Act, every employee shall be entitled to a paid leave on the account of being sick, provided that the number of days for sick leave shall not exceed fifteen days.

Leave

(2) Annual Leave - Every employee who has worked for a period of Two hundred and forty days or more in a household shall be entitled to fifteen days of paid leave. This period shall not include the weekly holidays or sick leave.

33. The employer shall provide one month notice to the employee before termination of employment and provide wages worth fifteen days of employment. Termination

34. The employer shall provide the employee with basic amenities like safe drinking water, food, first aid and washrooms. Basic Amenities.

35. The employer shall provide a live-in employee with private and decent accommodations for rest and dressing. Accommodation for live-in workers.

36. No domestic worker shall be subjected to the offence of sexual, physical or verbal assault, violence, trafficking, wrongful confinement and bonded/forced labour by any employer or a member of his household. In case of report of such offences, the police shall take appropriate criminal action under respective penal provisions of the Bharatiya Nyaya Sanhita and other special laws against the employer or placement agency forthwith. Protection against Crimes.

37. (1) No employer registered under this Act shall discriminate on the basis of gender, caste, race, region, language, colour, sex, creed or religion, in matters such as recruitment, conditions of employment, payment of wages etc. No discrimination at place of work.

(2) No voluntary association or agency shall discriminate on the aforesaid grounds in rehabilitation, recruitment and placement and payment on these grounds, nor shall it cause an employer to do so. Explanation- There shall be equal payment for equal work requiring the same amount of work, skill set, and effort.

38. No child shall be employed as a Domestic Worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force. Employment of a child.

CHAPTER VI

GRIEVANCE REDRESSAL MECHANISM AND DISPUTE RESOLUTION

39. (1) The appropriate Government shall constitute Grievance Redressal Committees (GRCs) in the State for addressing grievances of domestic workers, employers, and placement agencies; Grievance Redressal Mechanism and Dispute Resolution

(2) Ensure that each District has one or more GRCs to resolve disputes arising from individual grievances;

(3) Ensure the GRCs work to promote amity and good relations between employers, workers, and placement agencies, and to mediate disputes related to employment, non-employment, and terms of employment of domestic workers;

(4) Ensure that the Chairperson of the GRC is selected on a rotational basis, alternating between the employer and worker each year, with the total number of members not exceeding ten, and ensuring adequate representation of women workers, not less than half of the total members;

(5) Provide for the filing of disputes within one year from the cause of action, with provisions for assistance to workers who cannot file complaints in writing, and for legal heirs or designated persons to file on behalf of incapacitated workers.

40. (1) The appropriate Government may, by notification, appoint such number of persons, as it thinks fit to be conciliation officers, charged with the duty of mediating in and promoting the settlement of disputes. Conciliation Officers

(2) A conciliation officer may be appointed for a specified area and either permanently or for a limited period.

41. The appropriate Government may, by notification, designate/constitute one or more Domestic Workers' Tribunals for the adjudication of disputes and for performing such other functions, following the procedure as prescribed, as may be assigned to them. Domestic Workers' Tribunal.

42. A settlement arrived at by agreement between the employer and worker otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement. A copy of it shall be sent to the appropriate Government.

Bi-partite settlement of disputes.

CHAPTER VII

OFFENCES AND PENALTIES

43. (1) Any unregistered placement agency or employer, or one failing to register a domestic worker or renew the certificate, shall face imprisonment up to three months and a fine of Five thousand rupees; for repeat offences, the penalty may extend to three months' imprisonment and a fine of Twenty thousand rupees, or both.

Offences and Penalties.

(2) Any placement agency or employer who violates the Act or its rules shall be punishable with up to three months' imprisonment and a fine up to Thirty thousand rupees, or both; for ongoing violations, an additional fine of One hundred rupees per day may apply.

(3) A person convicted under (2) for a similar offence shall, on a subsequent conviction, face up to six months' imprisonment and a fine between Forty thousand rupees and Fifty thousand rupees, or both.

(4) Employers who fail to pay a domestic worker or pay below the minimum wage must pay the due amount with interest; they may be punished with up to six months' imprisonment or a fine up to Twenty thousand rupees, or both.

(5) Anyone obstructing an authorised inspector or refusing access for inspection shall face up to three months' imprisonment and a fine up to Twenty thousand rupees, or both.

(6) Anyone who refuses to produce required documents or prevents an inspection shall face up to three months' imprisonment or a fine up to Twenty thousand rupees, or both.

(7) Any person who –

(i) Knowingly sends, directs or takes any girl or woman to any place for immoral purposes or to a place where she is likely to be morally corrupted or,

(ii) In any manner sexually exploits or trafficking of such woman or child or,

(iii) If found ill-treating or discriminating any Domestic Worker on the basis of caste, sex, class, race, physical or mental ability or religion or region or,

(iv) In any manner abuses or illegally confines any domestic worker or,

(v) Compels any person to render any forced labour or,

(vi) Provides any child as Domestic Workers shall be subjected to imprisonment for not less than three years and which may extend up to a period of seven years or fine up to/ Fifty Thousand or both.

44. For the victims of forced labour, sexual exploitation, discrimination, illegal confinement or any kind of abuse, the District Board or placement agency shall provide with emergency aid, medium term assistance and legal aid in conduct of the legal proceedings and admit the victim to rehabilitation homes.

Emergency Aid,
Medium Term
Assistance and Legal
Aid.

CHAPTER VIII MISCELLANEOUS

45. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, whether made before or after the commencement of this Act.

Effect of laws and
agreements inconsistent
with the Act.

(2) Nothing contained in this Act shall be construed as precluding any domestic worker of from entering into an agreement with the employer as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

46. (1) No suit, prosecution or other legal proceedings shall lie against any member of the District Board or any non-Governmental organization for anything which is in good faith done or intended to be done in pursuance of this Act.

Protection of action
taken under Act

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

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

Power of the
appropriate
Government to make
rules.

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

(a) the form and manner of notification of the minimum rate of wages, overtime rate, maximum work hours, periods of work and rest, paid leave and maternity leave applicable to a Domestic Worker;

(b) criteria for determining the amount of compensation for any personal injury caused to a Domestic Worker by accident arising out of and in course of his/her employment;

(c) the form and manner in which wages shall be paid to the Domestic Worker;

(d) establishment and regulation of Workers' Facilitation Centres;

(e) the manner and form of an employment agreement and its verification at the Workers' Facilitation Centres;

(f) the manner and form of registration of a Placement Agency including issuance of registration certificates and renewal of registration;

(g) the powers which may be conferred on the District Board, the Dispute Resolution Council, and the Inspector under the terms of this Act;

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

(4) Every rule made by a State Government or a Union territory Government shall be laid, as soon as may be, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

There has been insufficient focus on recognizing domestic work as a formal occupational category and acknowledging domestic workers as legitimate employees, despite their collective demands dating back to the 1950s. The increasing demand for domestic employment highlights the growth of this sector and the rising number of women workers. However, the issues of vulnerability, informality, and job precarity remain largely unaddressed, leading to significant challenges in their work-life balance. Domestic workers are advocating for protection against violence, exploitation, and discrimination, as well as for better working conditions, social security, and welfare benefits to ensure a dignified livelihood. The undervaluation of domestic work, often performed by migrant women and girls from marginalized communities, exposes these workers to serious abuses such as trafficking, forced labor, child labor, sexual violence, and even murder. In response, the International Labour Organization adopted the Domestic Workers Convention (No. 189) in 2011 to promote the formal recognition of this workforce, ensuring dignity at work, freedom of association, and the elimination of discrimination, forced labor, and child labor. This Convention calls for standardization of employment contracts for domestic workers. As a founding member of the ILO with a large domestic workforce, India has a responsibility, both internationally and domestically, to address the issues faced by these workers. The lack of legal protections has denied domestic workers fair wages and often forces them to endure excessive working hours. Constitutional provisions, including Articles 39, 41, 42, 43, and 43-A, entitle workers to decent working conditions, a living wage, and protections against unemployment, sickness, old age, maternity, and workplace abuse. The judiciary has repeatedly affirmed the rights to minimum wages, workplace dignity, and protections against exploitative practices, including trafficking and the lack of legal recognition for domestic workers (as seen in cases like *Bachpan Bachao & Ors. vs. Union of India* and *Shramjeevi Mahila Samiti vs. Govt. of NCT & Anr.*). To uphold international standards, constitutional rights, and judicial directives aimed at recognizing and protecting domestic workers, comprehensive legislation tailored to the specific working and living conditions of domestic workers in the country must be enacted to combat their exploitation.

Hence this Bill.

NEW DELHI;

T. SUMATHY(A) THAMIZHACHI THANGAPANDIAN

November 13, 2024.

FINANCIAL MEMORANDUM

Clauses 17, 19, 21 of the Bill provide respectively for constitution of Central Committee, establishment of State Social Security Boards and loans by the Central Government to the State Boards. Clauses 24 and 27 of the Bill provide respectively for establishment of District Domestic Workers Welfare Board, and establishment of Domestic Workers Social Security and Welfare Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is, however, difficult to assess the expenditure, both recurring and non-recurring, that is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 47 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of normal character.

Bill No. 160 of 2024

A Bill to provide for constituting up of a Board for the protection of indigenous cow and cow progeny 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 Indigenous Cow and Cow Progeny Protection Board Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

Definitions.

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

(a) “Board” means the Indigenous Cow and Cow Progeny Protection Board constituted under section 3;

(b) “gaushala” means a shelter home or building with facilities of fodder, water shed and medical aid for cows;

(c) “indigenous cow” means cow of indigenous breeds but does not include cows of foreign breeds; and

(d) “prescribed” means prescribed by the rules made under this Act.

Constitution
of Indigenous
Cow Protection
Board.

3.(1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Indigenous Cow and Cow Progeny Protection Board for protection of indigenous cow and its progeny.

(2) The headquarter of the Board shall be at New Delhi.

(3) The Board shall have its offices in the capital of each State and Union territory.

(4) The Central Government shall appoint such number of officers and staff as may be deemed necessary for the efficient functioning of the Board.

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

Functions of
the Board.

4. The Board shall—

(a) construct gaushalas in every village, tehsil and district for protection of indigenous cows;

(b) provide funds to farmers to run individual gaushalas;

(c) encourage farmers to rear indigenous cows and their progeny and provide financial assistance to farmers on the basis of number of indigenous cows reared by them;

(d) promote the therapeutic use of medicines based on cow milk, gobar and gomutra;

(e) promote the manufacturing of fertilizers and insecticides with the use of gobar and gomutra, aak, neem and tulsi;

(f) link gaushalas in the villages to the mid day meal scheme for supply of milk and milk-made products to school students in order to overcome the problem of malnutrition;

(g) promote the use of gobar gas in generation of electricity;

(h) promote bullock driven agro processing industry;

(i) link the setting up of gaushalas with Mahatama Gandhi National Rural Employment Guarantee Act 2005; and

(j) undertake such other steps as may be assigned to it by the Central Government for carrying out the purposes of this Act.

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

Central Government to provide requisite funds.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

The cow is the most beloved animal of rural Indian families. Cow has been an integral part of our religion, culture and economy for centuries. But according to an estimate, the next decade is going to pose a danger for existence of cows pertaining to Indian Cow breeds. Traditionally, there are various breeds of cows in India. On one hand, there is the Sahiwal breed of cow which provides milk even in dry days, while on the other hand, cows of different types have been the backbone of rural economy of the country. Scientists have considered and found that Indian cow's milk is a complete diet. One pound of cow milk gives so much strength that if a person consumes only cow's milk, then his body and life will not only run smoothly but will also become stronger and disease resistant as compare to any other person. It contains all the nutrients necessary for the human body. Indigenous cow's milk contains vitamin A-2 which has cancer resistant properties. Multiple uses of cow's urine have been mentioned in Ayurveda. The urine of the indigenous cow is considered to be antidote, chemical and tridosha destroyer. On chemical analysis of cow's urine, scientists have found that it contains 24 elements which have the ability to cure various diseases of the body. About 108 diseases are cured by cow's urine and excellent organic pesticide can be made by adding boiling aak, neem and basil and adequate water in cow's urine. The milk and ghee of the indigenous cow have the ability to fight incurable diseases. Organic fertilizers are made up from the dung of the indigenous cow. The fertility of the land increases with the fertilizer made from the dung of the indigenous cow. In this regard, the role of indigenous cows in the country's economy cannot be denied.

Hence, this bill.

NEW DELHI;
July 23, 2024

LUMBA RAM

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Board for the protection of indigenous cow and its progeny. Clause 4 provides that the Board shall set up gaushalas in every village, tehsil and district. Clause 6 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 1 of 2025

A Bill to provide for establishment of a Fodder Warehouse Board for making available fodder and water to animals in places affected by natural calamities like famine, drought or flood and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Fodder Warehouse Board Act, 2025.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

- (a) “animal” means domestic animals which consume fodder;
- (b) “Board” means Fodder Warehouse Board established under section 3;
- (c) “prescribed” means prescribed by rules made under this Act; and
- (d) “warehouse” means any premise (including any protected place) used for storage of fodder under controlled conditions of temperature and humidity.

Establishment
of the Fodder
Warehouse
Board.

3. (1) The Central Government shall, within a period of three months from the date of coming into force of this Act, establish a Board to be known as the Fodder Warehouse Board with its headquarters at Jalore in the State of Rajasthan.

(2) The Board shall consist of a Chairperson and four other members to be appointed by the Central Government.

(3) The Board shall manage the affairs of the Fodder Warehouses.

(4) The Central Government shall establish a branch of the Board in every district of the country.

(5) Every branch of the Board shall consists of a General Manager and such other officers and staff as may be required.

(6) The terms and conditions of service and appointment, salaries and allowances of Chairperson, members and employees of the Board shall be such as may be prescribed.

Functions
of Fodder
Warehouse
Board.

4. The Board shall—

- (i) establish fodder warehouses in every district;
- (ii) purchase fodder from farmers at such rate, as it may deem fit;
- (iii) provide facility for transportation of fodder from the fodder store house to places affected by famine, drought, flood or any other natural calamities;
- (iv) acquire land, in consultation with the State Government, for cultivation of fodder in order to enhance the availability of fodder in famine, drought or flood prone areas; and
- (v) ensure availability of fodder and drinking water for animals free of cost in places affected by famine, drought, flood or any other natural calamities;
- (vi) encourage research in collaboration with agricultural research institutions and universities for cultivation of better quality of fodder; and
- (vii) collect data of animals reared in every village and prepare exigency plan to supply fodder and drinking water to animals in places affected by famine, drought, flood or any other natural calamities.

Constitution of
Fodder Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Fodder Fund with an initial corpus of rupees one thousand crore.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) The Fund shall be administered by the Fodder Warehouse Board constituted under section 3.

(4) The Fund shall be utilized to produce, procure or collect and store fodder and to provide fodder and drinking water to animals in places affected by natural calamities.

Supply of fodder.

6. (1) Any person who requires fodder shall inform the branch office of the Fodder Warehouse Board in the district about the requirement of fodder, in such manner, as may be prescribed.

(2) The branch office concerned shall, on receipt of requirement under sub-section (1), supply the requisite quantity of fodder to such person within a period of two days.

7. The Central Government shall give wide publicity to the provisions of this Act in such manner as may be prescribed.

Publicity to the provisions of the Act.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Natural calamities such as famine, drought and floods result in heavy loss of human lives and property including loss of livestock. Due to the priority given to save the lives of people, it becomes very difficult to save lives of animals. In such situations, to save the livestock and make available sufficient fodder for animals become the main requirements. However, the transportation of fodder and drinking water to the affected areas is not an easy task. Therefore, it is necessary to evolve a mechanism so that fodder and water is made available in places affected by natural calamities.

Due to increase in the population of the country, the area under agriculture is decreasing. The availability of fodder is also continuously decreasing due to harvesting of new varieties of crops in place of traditional crops. There is a need for intervention on the part of the State to take cognizance of shortage of fodder and drinking water for animals particularly during natural calamities and to address the problem being faced by lakhs of farmers and others in rural areas across the country on this account.

In the absence of any exigency plan to meet the demands of fodder and drinking water during natural calamities, the farmers and animal rearers are compelled to sell their livestock at throw away prices to meat-vendors which results in mental agony and heavy financial loss to them.

The Bill, therefore, seeks to provide for establishment of a Fodder Warehouse Board to produce, procure, collect and store and distribute fodder and drinking water for animals in places affected by natural calamities.

Hence this Bill.

NEW DELHI;
November 7, 2024.

LUMBA RAM

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a Fodder Warehouse Board. Clause 4 provides for establishment of fodder warehouses, facilities of transportation of fodder and drinking water for animals during natural calamities, collection of data of animals and preparation of exigency plan, etc. by the Fodder Warehouse Board. Clause 5 provides for constitution of a Fodder Fund with initial corpus of rupees one thousand crore. Clause 7 provides for giving wide publicity to the provisions of the Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve recurring expenditure of about rupees one thousand five hundred crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 2 of 2025

A Bill to provide for fixation of minimum remunerative support price of milk and milk products and for matters connected therewith.

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

1. (1) This Act may be called the Milk and Milk Products (Remunerative Support Price) Act, 2025.

(2) It extends to the whole of India.

Short title and
extent.

Definitions.

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

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

(b) “milk product” means a product obtained by processing of milk, which may contain food additives and other ingredients functionally necessary for the milk product, and shall include the following, namely:—

- (i) cheese;
- (ii) chhana, skimmed-milk chhana, paneer;
- (iii) condensed milk-sweetened and unsweetened;
- (iv) condensed skimmed milk-sweetened and unsweetened;
- (v) cream;
- (vi) curd, skimmed milk curd, dahi;
- (vii) ghee, butter oil;
- (viii) ice-cream;
- (ix) infant milk food;
- (x) khoa;
- (xi) malai;
- (xii) milk derivatives such as whey proteins, casein, lactose etc.;
- (xiii) milk ices, milk lollies, kulfi;
- (xiv) milk powder, skimmed milk powder, partly skimmed milk powder;
- (xv) processed cheese;
- (xvi) table butter and white butter;
- (xvii) yoghurt; and

(c) “prescribed” means prescribed by rules made under this Act by the Central Government or the State Government, as the case may be.

Fixation of minimum remunerative support price of milk and milk products.

3. The appropriate Government shall announce minimum remunerative support price of milk and milk products in such manner and at such intervals, as may be prescribed.

Factors for determination of minimum remunerative support price of milk and milk products.

4. The appropriate Government shall, while announcing the minimum remunerative support price of milk and milk products, take into account all relevant factors, which shall include,—

- (i) interest payable to banks on loans taken for dairy;
- (ii) electricity and water charges;
- (iii) average labour charges;
- (iv) availability of land and pasture;
- (v) expenditure on collection, preservation and packaging of milk and milk products;
- (vi) expenditure incurred on transportation of milk and milk products to market; and
- (vii) expenditure incurred on ailment and care of milch animals.

Central Government to provide funds.

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

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

India is the largest producer of milk in the world with 10.2 crore ton of annual production of milk. This production is much more than crop and it is an important source of income of the farmers. Milk production has played a remarkable role in providing security to the farmers affected by adverse weather and damage of crops. According to the report of National Sample Survey Organisation (NSSO), the incidents of suicide by farmers are less in those areas, where milk production is a source of regular income in generating employment. Approximately seven crore rural families are engaged in milk production. Approximately seventy per cent. cattle are with small, medium and marginal farmers, who get major portion of their family income through selling of milk. Mostly the small and landless farmers are engaged in milk production and women play a very important role in it. There are a few shortcomings in the milk production business which make it less attractive. The first drawback is the price of the milk and the farmers do not get the actual benefit. The milk producers get only rupees fifteen to twenty per litre, while the milk is sold at the rate of rupees thirty-eight to forty-eight per litre in the towns and metropolitan cities. Prices of milk have increased recently and cow milk is being sold at the rate of rupees thirty-eight per litre and buffalo milk is at rupees forty-eight per litre in Delhi. According to dairy officials, there has been an increase in the cost of collection, warehousing, processing, marketing, management and transportation of milk which has necessitated the increase in the prices of milk. Farmers spent more than twenty per cent. of their income from milk on is spent on fodder and cattle food, treatment of cattle diseases and rearing of cattle, etc. Co operative Committees and dairies refuse to buy milk from farmers during the winter season due to over-production of milk. It results in decreasing of the profit of both the parties, which adversely affects dairy business. Small and medium farmers are facing a lot of difficulties due to lack of land, lack of facilities for water bodies, shade construction, processing of milk, lack of better facilities for godowns, transportation and continuous fluctuation in the prices of milk in carrying out dairy business. A large number of farmers engaged in dairy business as also the cattle rearers are not taking interest in this business, because the pasture land is diminishing which is creating shortage of fodder and they are being forced to wind up their dairy business.

The need is, therefore, to fix minimum remunerative support prices of milk and milk products so as to ensure effective livelihood to the persons involved in dairy.

Hence this Bill.

NEW DELHI;
November 7, 2024

LUMBA RAM

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for payment of adequate funds to the States for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

No recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 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. 165 of 2025*A Bill further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

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 article 15 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

Amendment
of article 15.

“(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provisions for the advancement and adequate representation of socially and educationally backward classes of citizens or

for the Scheduled Castes and the Scheduled Tribes:

Provided that adequate representation shall be proportionate to the population of the socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes:

Provided further that nothing shall prevent the State from providing special provisions beyond fifty per cent. if the total population of socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes is more than fifty per cent.”.

Amendment
of article 16.

3. In article 16 of the Constitution, for clause (4) the following clause shall be substituted, namely:—

“(4) Nothing in this article shall prevent the State from providing reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State:

Provided that adequate representation shall be proportionate to the population of the socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes:

Provided further that nothing shall prevent the State from providing reservation beyond fifty per cent. if the total population of socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes is more than fifty per cent.”.

STATEMENT OF OBJECTS AND REASONS

Reservation is a powerful tool to provide for adequate representation and upliftment of backward classes, and to ensure that all citizens of the country are provided opportunities of advancement on an equitable and just basis. In the 1992 *Indra Sawhney v. Union of India* case, the Supreme Court imposed a limit of fifty per cent. on reservations. The Supreme Court of India and various High Courts have held reservation measures introduced by States to be unconstitutional on the ground that they exceed the numerical benchmark first provided in *MR Balaji v State of Mysore* 1963 Supp. (1) SCR 439.

The ameliorative provisions of the Constitution have enabled the social, economic and political empowerment of weaker sections of the society. It is of utmost importance that we utilise these to remove anomalies that diminish the effectiveness of State policies launched in favour of the rights of weaker sections.

It is deemed necessary to prevent this numerical limit from becoming an impediment in the process of expanding and rationalising reservations in all domains of public life.

The contours of reservations and special provisions need to be determined based on scientific data on group identity-based disadvantages, under-representation and population, collected through the decadal census.

The Bill seeks to achieve the above objectives by amending articles 15 and 16 of the Constitution.

Hence this Bill.

NEW DELHI;
November 8, 2024

S. JOTHIMANI

Bill No. 160 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

Short title and
commencement.

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

Amendment of
article 15.

2. In article 15 of the Constitution,—

(i) in the marginal heading, after the words, “religion, race, caste, sex”, the word “disability” shall be inserted;

(ii) in clause (1), after the words, “religion, race, caste, sex”, the word “disability” shall be inserted;

(iii) in clause (2), after the words, “religion, race, caste, sex”, the word “disability” shall be inserted.

(iv) in clause (4), after the words “the Scheduled Tribes”, the words “or the persons with disabilities” shall be inserted.

(v) in clause (5), after the words “the Scheduled Tribes”, the words “or for persons with disabilities” shall be inserted.

Amendment of
article 16.

3. In clause (2) of article 16 of the Constitution, after the words, “religion, race, caste, sex, descent”, the word “disability” shall be inserted.

Amendment of
article 80.

4. In article 80 of the Constitution, after clause (3), the following proviso shall be inserted,:

“Provided that amongst the person nominated by the President under sub-clause (a) of clause (1) at least one person shall be a person with disability.”.

Amendment of
article 171.

5. In article 171 of the Constitution, after clause (5) the following proviso shall be inserted,:

“Provided that amongst the person nominated by the Governor under sub-section (e) of clause (3) at least one person shall be a person with disability.”.

STATEMENT OF OBJECTS AND REASONS

Persons with disabilities make up the world's largest minority community. According to the 2011 Census of India, they comprised 2.21% of the Indian population. However, this estimate was based on just seven disabilities that were recognised at the time. After the enactment of the Rights of Persons with Disabilities Act (RPwDA), 2016, there are now 21 recognised disabilities, and hence the number of persons with disabilities is significantly higher than estimated in the 2011 Census. In recognition of the exclusion faced by the disabled community, India promptly ratified the UNCRPD in 2007. The UNCRPD marked a shift in viewing disability from a social – rather than a medical – lens. This was followed by the enactment of the RPwDA, 2016. Despite these important steps, persons with disabilities continue to face barriers in access to resources, opportunities and public goods. They are routinely discriminated against and lack representation in high offices, preventing their meaningful participation in society.

Given India's contentious history with discrimination, the anti-discrimination law was enshrined in the Constitution as a fundamental right by our founding fathers. Professor K.T. Shah, in the Constituent Assembly debates, had said that all public places must be made open and accessible to all citizens of the country. The underlying motivation behind anti-discrimination laws was to provide safeguards to marginalised groups, and allow for their social and economic integration into society. While India's anti-discrimination provisions account for discrimination based on the grounds of horizontal inequalities such as religion, race, caste etc., it strikingly misses discrimination based on disability. Profiling persons with disabilities and/or denying them access to public places, infrastructure, and transport by design, stands in contravention to our constitutional values.

Those who are subject to horizontal, status-based inequalities are also more likely to be represented among those living in poverty. In the case of persons with disabilities, their lack of access to education and employment further limits them to this eventuality. According to the World Report on Disability, 2011, the share of disabled children not enrolled in school at more than five times the national rate. A report by MOSPI in 2018 stated that among persons with disabilities of age 15 years and above, Labour Force Participation Rate in usual status was 23.8 per cent, significantly lower than the able-bodied population. This, despite the fact that the RPwDA provides for reservations in education and employment. In the State of Kerala v. Leesamma Joseph, the Hon'ble Supreme Court held that achieving the purpose of the RPwDA requires taking affirmative action. As it stands today, this position has not been reflected in the Constitution.

The disability rights movement was spearheaded by the reverberating sentiment of "nothing about us, without us". To truly realise this sentiment, it is imperative to increase political representation of persons with disabilities such that they can set the agenda for their own empowerment. Persons with disabilities have displayed excellence in all professions, and deserve an equitable chance at displaying their prowess in political offices as well. In recognition of this, the Baharul Islam Committee report of 1988 recommended that the Constitution be amended to provide for reservation of disabled people in Parliament. As a first step to achieving this, the Constitution must mandate their inclusion in the league of nominated members to the Upper Houses of the Central and State Legislatures.

The curb cut effect posits that laws designed to help persons with disabilities can have a ripple effect in terms of benefiting society at large. We cannot achieve our constitutional goal of social justice while leaving them behind. While it is true that some of these provisions have been accounted for through statute and interpretations of the law, it is important that they are also reflected in the letter of our Constitution. This is because our constitutional text informs and influences the social fabric of our country. Amending the Constitution to this effect will fulfil our international obligations, as well as foster our Constitutional spirit.

Hence this Bill.

NEW DELHI;
November 8, 2024.

S. JOTHIMANI

Bill No. 168 of 2024

A Bill to amend the National Medical Commission Act, 2019.

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 Medical Commission (Amendment) Act, 2024.

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

Short title and
commencement.

Amendment of
Section 14.

2. In section 14 of the National Medical Commission Act, 2019 (hereinafter referred to as the principal Act), in sub-section (3) after the existing proviso the following proviso shall be inserted, namely:—

30 of 2019.

“Provided further that notwithstanding anything contained in any provision of this Act, the provisions of this section shall not apply, in relation to the National Eligibility-cum-Entrance Test, at the undergraduate level or postgraduate or superspeciality level for admission in State Government colleges, State Universities, constituent colleges of the said State Universities, State medical educational institutions and State Government seats in Private Colleges affiliated to the State Universities, unless the concerned State has voluntarily opted for such National Eligibility-cum-Entrance Test.”.

Amendment of
Section 15.

3. In section 15 of the principal Act, in sub-section (6), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that this section shall not apply to persons studying in the State Government colleges, State Universities, constituent colleges of the said State Universities, State medical educational institutions and Private Colleges affiliated to the State Universities, unless the concerned State Government has voluntarily opted for the National Exit Test.”.

Amendment of
Section 33.

4. In section 33 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that any person who has completed his undergraduate medical course from college, university and medical institutions other than Central Government institution in States which have opted out of the National Exit Test, shall, after the completion of his undergraduate medical course, be entitled to a license to practice medicine and shall have his name and qualifications be registered on the rolls of the State or National Register, as the case may be.”.

STATEMENT OF OBJECTS AND REASONS

The National Eligibility cum Entrance Test (NEET) is conducted by the National Testing Agency for admission to the undergraduate and postgraduate medical courses in all medical institutions including those governed under any other Law, in accordance with Section 14 of the National Medical Commission Act, 2019. Prior to the introduction of NEET, all States were free to implement their own selection criteria. Admission to private medical colleges and minority institutions was through their own entrance exams. Many States, including the State of Tamil Nadu, have expressed their concerns against holding a single test for medical education and asked for flexibility in choosing their own admission criteria.

The Tamil Nadu Assembly passed a resolution stating that the students graduating from its own State Board were being put at an unfair disadvantage in comparison to students from CBSE (Central Board of Secondary Education) Board. In fact, Justice A.K. Rajan Committee, constituted by the Tamil Nadu Government, observed that post the introduction of NEET, fewer students were being granted entry into private and Government medical colleges.

The national test is also deemed non-egalitarian and discriminatory by the Committee that found that most of the selected candidates had availed academic support/coaching from private institutions. This puts the students from underprivileged backgrounds and those residing in rural areas at a huge disadvantage. Education is supposed to help liberate a person from her/his economic constraints. Unfortunately, in this case, economic constraints seem to be affecting access to education for the students. Before NEET, about 65% of the selected medical candidates were from rural background (as per a finding by Justice A.K. Rajan Committee).

The conduct of NEET in regional languages has also raised concerns by States such as Tamil Nadu, Gujarat and West Bengal, claiming that the difficulty level of tests varies from that of English. The Justice Rajan Committee observed that the proportion of students from Tamil-medium schools in the selected candidates reduced down to 1.9% from around 15% before NEET.

The financial burden imposed by NEET upon students coupled with the stress of preparing for an additional exam besides the Class 12 Board exams, has also led to many NEET aspirants committing suicides.

Multiple protests by NEET aspirants have been witnessed in Tamil Nadu. If a test that was introduced in the supposed interest of the students is causing such unrest amongst the very students it was supposed to benefit, it is of utmost importance that we reassess our decisions and rescind the provisions making NEET mandatory.

Hence this Bill.

NEW DELHI;
November 11, 2024

S. JOTHIMANI

Bill No. 140 of 2024

to provide for the establishment of Central Institute for Cancer Detection and Prevention (CICDP) with headquarters at Nandyal in the State of Andhra Pradesh and with centres at all districts across India and to create and spread awareness for early detection of cancer and to make cancer screening, detection and prevention at affordable costs and for matters connected therewith.

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 Central Institute for Cancer Detection and Prevention Act, 2024.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

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

Definitions.

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

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

(b) “Institute” means the Central Institute for Cancer Detection and Prevention established under section 3; and

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

Establishment
of Central
Institute for
Cancer
Detection and
Prevention.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established, for carrying out the purposes of this Act, an Institute to be called the Central Institute for Cancer Detection and Prevention.

(2) The headquarters of the Institute shall be at Nandyal in the State of Andhra Pradesh.

(3) The Institute shall have centers across all the districts of the country.

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

Establishment
of Central
Governing
Council.

4. (1) The Central Government may, by notification in the official Gazette, establish a thirty-five-member Central Governing Council for the management of the Institute.

(2) The Central Governing Council shall consist of,—

(a) the Prime Minister of India — ex-Officio Chairperson;

(b) the Chief Minister of the State of Andhra Pradesh — ex-Officio Vice Chairperson;

(c) the Chief Ministers of four States and Union territories in-rotation — ex-Officio as Vice Chairperson to be nominated by the Central Government in such manner as may be prescribed;

(d) the Union Minister of Health and Family Welfare — ex-Officio member;

(e) the Health Minister of the State of Andhra Pradesh — ex-Officio member;

(f) the Director General of Health Services—ex-Officio member;

(g) the Secretary of the Union Ministry of Health and Family Welfare —ex-Officio member;

(h) the Secretary of the Ministry of Health, State of Andhra Pradesh — ex-Officio member;

(i) five Members of Parliament of the House of the People to be nominated by the Speaker of House of the People;

(j) five Members of the Legislative Assembly of the State of Andhra Pradesh to be nominated by the Speaker of State Legislature of Andhra Pradesh;

(k) three Health Ministers from the States and Union territories in rotation to be nominated by the Central Government in such manner as may be prescribed;

(l) five representatives from the institutions of local Self-government institutions to be nominated by the Central Government in such manner as may be prescribed;

(m) three members to be nominated by the National Medical Commission constituted under National Medical Commission Act, 2019;

(n) three members having experience in finance, administration or accounts to be nominated by the Central Government in such manner as may be prescribed.

5. (1) The term of office of a member of the Central Governing Council under clause (n) of sub-section (2) of section 4 shall be five years from the date of nomination or election, unless otherwise provided in this Act.

Terms of
Members of
Central
Governing
Council.

(2) The term of office of an ex-officio member shall continue as long as they hold the office by virtue of which they are members.

(3) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place they are nominated or elected.

(4) An outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected in their place.

(5) An outgoing member shall be eligible for re-nomination or re-election.

(6) A member may resign by writing under their hand addressed to the Central Government, but they shall continue in office until their resignation is accepted by the Government.

(7) The manner of filling vacancies among members shall be such as may be prescribed.

6. (1) The appropriate Government may, in consultation with the Central Governing Council, establish Regional Councils in States and Union Territories.

Formation of
Regional
Governing
Councils.

(2) The Central Governing Council may entrust the work of regional councils to its own governing body, which shall undertake all its activities until such Regional Councils are established.

7. (1) There shall be a President of the Institute to be nominated by the Central Government in such manner as may be prescribed who shall be a distinguished scholar with expertise in cancer studies.

President of
the Institute.

(2) The President shall exercise such powers and discharge such functions as laid down under this Act or as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of the service of the President shall be such as may be prescribed.

Governing
Body of the
Institute.

8. (1) There shall be a Governing Body for the Institute, constituted by the Central Government, in such manner as may be prescribed.

(2) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as may be prescribed.

(3) The President of the Institute shall be the Chairman of the Governing Body.

(4) The procedure for exercising powers and discharging functions by the Governing Body shall be such as may be prescribed.

(5) Subject to control and restrictions prescribed by rules, the Institute may constitute standing committees and *ad hoc* committees for exercising any power or discharging any functions of the Institute or for inquiring into or advising upon any matter referred to them.

Director and
Staff of the
Institute.

9. (1) There shall be a Director of the Institute, who shall also be the Chief Executive Officer to be appointed by the Central Government in such manner as may be prescribed.

(2) The Central Government shall appoint such number of staff as required for the efficient functioning of the Institute in such manner as may be prescribed.

(3) The Director shall be the administrative head of the Institute.

Functions of
the Institute.

10. The functions of the Institute shall be to,—

(i) emerge as the dedicated institute for the study of cancer in India and being one of the leading cancer research centers globally;

(ii) establish and operate dedicated cancer detection and prevention centers in all districts of the country;

(iii) provide affordable biopsy and other detection procedures and cancer treatment at affordable cost;

(iv) provide cancer treatment available free of cost to eligible beneficiaries determined by the appropriate Government; and

(v) provide for facilities for research in the field of cancer detection and prevention.

Payment to
the Institute.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Institute such sums of money as it may deem necessary for the exercise of its powers and discharge of functions under this Act.

Funds of the
Institute.

12. (1) The Institute shall maintain a fund to which shall be credited,—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute; and

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The fund shall be utilised towards meeting the expenses of the Institute incurred in the exercise of its powers and functions under this Act.

13. The Institute shall, in such form and at such time every year as may be prescribed, prepare a budget showing the estimated receipts and expenditure for the next financial year and forward it to the Central Government.

Budget of the Institute.

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

Accounts of the Institute.

(2) The accounts shall be audited by the Comptroller and Auditor-General of India, and the expenditure incurred in connection with such audit shall be borne by the Institute.

(3) The accounts, as certified by the Comptroller and Auditor-General of India, shall be forwarded annually to the Central Government, which shall cause the same to be laid before both Houses of Parliament.

15. The Institute shall prepare an annual report of its activities and submit it to the Central Government, which shall cause the same to be laid before both Houses of Parliament.

Annual Report.

16. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Control by the Central Government.

17. (1) The Central Government, after consultation with the Institute, shall by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

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

(a) the manner of nomination of members;

(b) the conditions of service, the procedure to be followed by, and the manner of filling vacancies among members;

(c) the powers and functions of the President of the Institute;

(d) the manner of election of the Chairperson and Vice-Chairperson of the Governing Body;

(e) the salary and allowances and other conditions of service of the Director and other officers and employees of the Institute;

(f) the maintenance of the Fund and the submission of the budget;

(g) the form and manner in which the accounts of the Institute shall be maintained and the annual statement of accounts shall be prepared;

(h) the manner and intervals at which the accounts of the Institute shall be audited; and

(i) any other matter which has to be, or may be, prescribed.

Power to
make
Regulations.

18. (1) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules to carry out the purposes of this Act.

(2) In particular and without prejudice to anything contained in sub-section (1) such regulations may provide for;—

(a) the summoning and holding of meetings of the Governing Body and the quorum for such meetings;

(b) the conduct of business by the Governing Body and the standing or *ad hoc* committees;

(c) the manner in which elections and nominations of members of the Governing Body shall be made;

(d) the procedure to be followed by the Governing Body in exercising its powers and discharging its functions;

(e) the procedure to be followed by the standing or *ad hoc* committees in exercising their powers and discharging their functions;

(f) the allowances payable to the Chairperson and members of the Governing Body and the Chairperson and members of the standing or *ad hoc* committees;

(g) the management of the properties of the Institute;

(h) the maintenance of the Fund;

(i) the procedure and terms and conditions for the borrowing of moneys;

(j) the form and manner in which contracts shall be made on behalf of the Institute; and

(k) any other matter which has to be, or may be, prescribed.

Rules or
Regulations to
be laid before
Parliament.

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

STATEMENT OF OBJECTS AND REASONS

According to the World Health Organization, cancer ranks as the second leading cause of death worldwide. Among men, lung, prostate, colorectal, stomach, and liver cancer are the most prevalent types, while breast, colorectal, lung, cervical, and thyroid cancer are the most common among women. The global burden of cancer continues to increase, placing significant physical, mental, emotional, and financial strain on individuals, families, and communities. This burden also takes a toll on a nation's most valuable human resources. Unfortunately, a large number of patients lack access to early cancer detection. Early detection has been proven to prevent the disease from progressing and save lives. However, the rising costs associated with detection and treatment has made it increasingly unaffordable for the average person.

A recent study has shown that approximately sixty three percent of all deaths in India are caused by non-communicable diseases. By 2030, these diseases are estimated to result in a loss of USD 3.55 trillion in economic output for India. Cancer is expected to be the leading cause of death among these diseases. The projected number of cancer cases in India is set to increase from 1.39 million in 2020 to 1.57 million by 2025, representing a thirteen percent growth over five years. Cancer screening rates in India are notably lower compared to many other countries worldwide. Indians are now at risk of developing cancer at younger ages than individuals in Western countries.

Therefore, there is a pressing need to establish specialized cancer detection, screening, and prevention institutes in all districts of India.

Hence this Bill.

NEW DELHI;
July 23, 2024

BYREDDY SHABARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Central Institute for Cancer Detection and Prevention by the Central Government in the state of Andhra Pradesh. Clause 4 provides for constitution of Central Governing Council by the Central Government for the management of the Institute. Clause 6 stipulates that the appropriate Government may, in consultation with the Central Governing Council, establish Regional Councils in States and Union Territories. Clause 7 provides for nomination of the President of the Institute by the Central Government. Clause 8 provides for constitution of the Governing Body for the Institute by the Central Government. Clause 9 provides for appointment of the Director of the Institute by the Central Government. Clause 11 stipulates that the Central Government shall, after appropriation made by Parliament by law in this behalf, pay to the Institute such sums of money as may be necessary for the exercise of its powers and discharge of its functions. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees thousand crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 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. 124 of 2025

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950

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

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2025.	Short title.
2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Schedule, in PART I.— <i>Andhra Pradesh</i> , after entry 31, the following entry shall be inserted, namely:—	Amendment of the Schedule.
“31A. Valmiki- Boyas.”.	

STATEMENT OF OBJECTS AND REASONS

The Boya Valmiki are the descendants of Maharishi Valmiki, the esteemed sage who authored the Ramayana. During the British colonial period, they were categorized as martial tribes and were incorporated into the British Army. The Boya Valmiki community, which is dispersed across the State of Andhra Pradesh and Telangana, has long-standing demands that remain unaddressed. Historically, this community has encountered economic, educational, and social disadvantages. They lack traditional means of livelihood and endure significant hardship and neglect. According to a survey report, a substantial portion of Boya Valmiki (47 per cent) are landless, while 45 per cent are classified as small and marginal farmers. Of the land they possess, only 27 per cent has access to irrigation, with the remainder relying on rainfall. The illiteracy rate among heads of households is alarmingly high at 77 per cent, and for adults over the age of 25, the illiteracy rate stands at 54 per cent. A significant majority (61 per cent) of households depend on agriculture and agricultural labor. Approximately 79 per cent of families reside in two or fewer room tenements, with about 50 per cent living in *semi-pucca* houses and 16 per cent in thatched houses; 44 per cent lack any toilet facilities. Regarding household annual income, 80 per cent of households earn less than rupees one lakh, and about 8.6 per cent have an annual income of less than rupees twenty thousand. Their cultural heritage is currently under severe threat, and their extensive knowledge and skills, including martial practices, are gradually fading away. Including them in the central list of Scheduled Tribes would provide them with educational and employment reservations, scholarships and access to Government welfare programs.

Hence this Bill.

NEW DELHI;
July 9, 2025

BYREDDY SHABARI

FINANCIAL MEMORANDUM

The Bill seeks to include Valmiki-Boyas to the list of Scheduled Tribes with respect to the State of Andhra Pradesh by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the Scheduled Tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore is likely to be involved as a recurring expenditure per annum.

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

Bill No. 116 of 2024

A Bill to amend and codify the law relating to marriage among Sikhs.

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

PRELIMINARY

1. (1) This Act may be called the Sikh Marriage Act, 2024.	Short title, extent and commencement.
(2) It extends to the whole of India and applies also to Sikhs domiciled in the territories to which this Act extends who are outside the said territories.	
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
2. This Act applies to any person who is a Sikh by religion.	Application of the Act.

Definitions.

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

(a) the expression “Sikh” means a person who believes in Akalpurakh (One Eternal Being), the ten Gurus from Guru Nanak to Guru Gobind Singh, accepts Guru Granth Sahib as the Eternal Guru and does not subscribe to any other religion.

Explanation.— The following persons are Sikhs:—

(i) any child legitimate or illegitimate, both of whose parents are Sikhs by religion;

(ii) any child legitimate or illegitimate who is brought up as a Sikh and one of whose parents is a Sikh.

(b) “*Anand Karaj Ceremony*” means a marriage ceremony solemnized between two Sikhs in the presence of Guru Granth Sahib, which shall be deemed to have been completed when the four “*lawan*” revealed by the fourth Guru in Rag Suhi are recited and the “*Ardas*” is performed.

(c) the expression “custom” and “usage” signify any rule which having been continuously and uniformly observed for a long time, has obtained the force of law among Sikhs in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to basic tenets of the Sikh faith:

Provided further that in the case of a rule applicable only to a family, it has not been discontinued by the family:

Provided also that the burden to prove the custom or usage shall be upon the person who alleges the custom or usage.

(d) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(e) “district court” means, a court of District Judge and includes Additional District Judge, and any other civil court which may be specified by the Union or a State Government, by notification in the Official Gazette, as having jurisdiction in respect of matters dealt with in this Act;

(f) “full blood” and “half blood”— two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives;

(g) “uterine blood”— two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.

Explanation.— In clauses (f) and (g) “ancestor” includes the father and “ancestress” the mother;

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

(i) "parties" means "bridegroom and the bride" or the "husband and the wife", as the case may be;

(j) "degrees of prohibited relationship" — two persons are said to be within the "degrees of prohibited relationship"—

(i) if one is a lineal ascendant of the other; or

(ii) if one was the wife or husband of a lineal ascendant or descendant of the other; or

(iii) if one was the wife of the father's or mother's brother or of the grandfather's or grandmother's brother of the other; or

(iv) if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters.

Explanation.— for the purposes of clause (j) relationship includes:-

(i) relationship by half or uterine blood as well as by full blood;

(ii) illegitimate blood relationship as well as legitimate;

(iii) relationship by adoption as well as by blood;

and all terms of relationship in those clause (j) shall be construed accordingly.

4. Save as otherwise expressly provided in this Act,—

(a) any text, rule or interpretation of law with respect to Sikhs or any custom or usage as part of that law in force immediately before the commencement of this Act, shall cease to have effect with respect to any matter for which provision is made in this Act;

(b) any other law in force immediately before the commencement of this Act shall cease to have effect in so far as it provides for or it is inconsistent with any of the provisions contained in this Act.

Overriding
effect of this
Act.

SIKH MARRIAGES

5. A Sikh marriage shall be solemnized by Anand Karaj Ceremony between a Sikh male and a Sikh female who are Sikhs, if the following conditions are fulfilled, namely:

Conditions for a
Sikh marriage.

(i) neither party has a spouse living at the time of the marriage;

(ii) at the time of the marriage neither party is of unsound mind;

(iii) the bridegroom has completed the age of twenty-one years and the bride the age of eighteen years at the time of the marriage; and

(iv) the parties are not within the degrees of prohibited relationship, unless the custom or usage governing each of them permits of a marriage between the two.

Registration
of Sikh
marriages.

6. (1) The registration of a Sikh marriage shall be compulsory.

(2) For the purpose of registration under sub-section (1), the appropriate Government shall appoint a Registrar of Sikh Marriages in each revenue district and a sub-registrar at the tehsil level and also such other officer for the purpose as may be required.

(3) For the purpose of facilitating the proof of Sikh marriage, the parties to the marriage shall have the particulars relating to their marriage entered in such manner and subject to such conditions, as may be prescribed, in a Sikh Marriage Register kept for the purpose within six months of the solemnisation of the marriage and any person contravening any rule made in this behalf shall be punished with fine which may extend to five hundred rupees.

(4) The Sikh Marriage Register shall at all reasonable times be open for inspection and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given by the Registrar, the Sub-registrar or any other officer prescribed for this purpose, free of cost.

(5) Notwithstanding anything contained in this section, the validity of any Sikh marriage, shall not be affected by omission to register the marriage.

RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

Restitution
of conjugal
rights.

7. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may pass decree of restitution of conjugal rights accordingly.

Explanation.— Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.

8. (1) Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on any of the grounds specified in

Judicial
separation.

sub-section (1) of section 11, and in the case of a wife also on any of the grounds specified in sub-section (2) thereof, as grounds on which a petition for divorce might have been presented.

(2) Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent, but the court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

NULLITY OF MARRIAGE AND DIVORCE

9. Any Sikh marriage solemnized after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto, against the other party, be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i) and (iv), of section 5:

Void marriages.

Provided that in case of a null and void marriage due to contravention of the condition specified in clause (i) of section 5, the legally wedded husband or wife, either of whom is not a party to the contravention of the said condition, shall also be entitled to present a petition under this section.

10. (1) Any Sikh marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:—

Voidable marriages.

(a) that the marriage has not been consummated owing to the impotence of the respondent; or

(b) that the marriage is in contravention of the condition specified in clause (ii) of section 5; or

(c) that the consent of the petitioner for marriage was obtained by force or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent; or

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner;

(2) Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage on the ground specified in clause (c) of sub-section (1) shall be entertained if—

(i) the petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered ; or

(ii) the petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered.

Divorce.

11. (1) Any Sikh marriage solemnized, whether before or after the commencement of the Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party:—

(i) has, after the solemnization of the marriage contracted another marriage or had voluntary sexual intercourse with any person other than his or her spouse; or

(ii) has, after the solemnization of the marriage, treated the petitioner with cruelty; or

(iii) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition;

Explanation— In this clause, the expression "desertion" means the desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes wilful neglect of the petitioner by the other party to the marriage, and its grammatical variations and cognate expression shall be construed accordingly; or

(iv) has ceased to be a Sikh by conversion to another religion; or

(v) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

Explanation. — In this clause,—

(a) the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(b) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party, and whether or not it require or is susceptible to medical treatment; or

(vi) has been suffering from a virulent and incurable form of leprosy; or

(vii) has been suffering from Acquired Immune Deficiency Syndrome (AIDS) or any venereal disease in a communicable form; or (viii) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive; or

(viii) has been finally convicted and sentenced to imprisonment for a period of seven years or more.

(2) A Sikh marriage, whether solemnized before or after the commencement of this Act, may also be dissolved on presentation of a petition in this regard by the party in whose favour a decree of restitution of conjugal rights has been passed on the ground:—

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upward after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.

(3) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground—

(i) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality; or

(ii) that in a suit or any proceedings for maintenance, a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or more.

12. (1) Subject to the provisions of this Act, a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of this Act, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

Divorce by
mutual consent.

(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

13. (1) Notwithstanding anything contained in this Act, it shall not be competent for any court to entertain any petition under section 11 or 12 of this Act for dissolution of marriage by a decree of divorce, unless at the date of the presentation of the petition one year has elapsed since the date of the marriage:

No petition for
divorce to be
presented
within one year
of marriage.

Provided that the court may, upon application made to it, allow a petition to be presented before elapse of one year has since the date

of the marriage on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent, but, if it appears to the court at the hearing of the petition that petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the expiry of one year from the date of the marriage or may dismiss the petition without prejudice to any petition which may be brought after the expiration of the said one year upon the same or substantially the same facts as those alleged in support of the petition so dismissed.

(2) In disposing of any application under this section for leave to present a petition for divorce before the expiration of one year from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the said one year.

Divorced
persons
when may
marry again.

14. (1) When a marriage has been dissolved by a decree of divorce and the time for filing appeal has expired without an appeal having been presented, it shall be lawful for either party to the marriage to marry again after six months has elapsed from the date of decree of dissolution of marriage.

(2) Where an appeal has been presented against dissolution of marriage but has been dismissed, it shall be lawful for either party to the marriage, to marry again after six months has elapsed from the date of dismissal of the appeal.

Legitimacy
of children
of void and
voidable
marriages.

15. (1) Notwithstanding that a marriage is null and void under section 9, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such a child is born before or after the commencement of this Act, and whether or not a decree of nullity is granted in respect of the marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

(2) Where a decree of nullity is granted in respect of a voidable marriage under section 10, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if, at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 10, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

16. (1) Whoever, having a husband or wife living, marries in any case in which such marriage, is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment which shall not be less than one year and may extend to three years and with fine which shall not be less than twenty thousand rupees and which may extend to one lakh rupees.

Punishment for contravention of certain other conditions for a Sikh marriage.

(2) Where the court imposes a fine under sub-section (1), it shall also order the amount to be paid to aggrieved person out of the fine as payment of compensation, maintenance or costs.

(3) The proceedings under this section shall be undertaken by the court wherein the petition under section 9, 10, or 11 of this Act has been presented and it will be lawful for the court to convict a person under this section while deciding the petition under section 9, 10, or 11 of this Act and no separate complaint or criminal trial shall be required to be made or initiated before a court of criminal jurisdiction.

MAINTENANCE AND CUSTODY

17. Where in any proceeding under this Act, it appears to the Court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the applicant the expenses of the proceeding and such monthly expenses as, having regard to the applicant's own income and the income of the respondent, it may seem to the Court to be reasonable, during the proceeding:

Maintenance pendent-lite and expenses of proceedings.

Provided that the application for the payment to the expenses of the proceeding and such monthly expenses during the proceedings, shall, as far as possible be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.

18. (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purposes by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immoveable property of the respondent.

Permanent alimony and maintenance.

(2) If the Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the Court is satisfied that the party in whose favour an order has been made under this section has re-married, it may at the

instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.

Explanation.— For the purposes of this section, either party to the marriage, which is void due to contravention of condition specified in clause (i) of section 5, shall not be entitled to maintenance, permanent alimony or to claim any benefit under this section.

Custody and
maintenance
of children.

19. In any proceeding under this Act, the Court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with the wishes of children, wherever possible, and may, after the decree, upon application for said purpose, pass from time to time, all such orders and make provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceedings for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made:

Provided that the welfare of the minor children shall be of paramount consideration for the court while proceeding under this section:

Provided further that the application with respect to the maintenance and education of minor children, pending the proceeding for obtaining such decree, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.

JURISDICTION AND PROCEDURE

Court to
which
petition
shall be
prescribed.

20. Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction—

(i) the marriage was solemnized, or

(ii) the respondent, at the time of the presentation of the petition, resides, or

(iii) the parties to the marriage last resided together, or

(iv) in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or

(v) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is at that time residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he was alive.

Contents of
petitions

21. (1) Every petition presented under this Act shall state as distinctly as the nature of the case permits, the facts on which the

claim to relief is founded and shall also state that there is no collusion and service of summons between the petitioner and the other party to the marriage.

(2) Every petition under this Act shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints and shall also be supported by a duly sworn affidavit, and it may, at the hearing, be referred to as evidence.

(3) The court, under this Act,

(a) while passing an order for proceeding ex-parte against the respondent, if duly served or if has refused service or is evading service, shall ensure that the provisions of the Code of Civil Procedure with regard to service of summons have been strictly followed and complied with; and

(b) while the summons were returned with a report that the respondent has refused to accept or is evading service shall, before passing order for proceeding ex-parte, order the service to respondent be affected through proclamation and publication in a leading newspaper of the region.

22. Subject to the other provisions contained in this Act and to such rules as framed under this Act, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908.

Application of
Code of Civil
Procedure,
1908.

23. (1) Where—

Power to
transfer
petitions in
certain cases.

(a) a petition under this Act has been presented to a district court having jurisdiction by a party to marriage praying for a decree of divorce under section 11; and

(b) another petition under this Act has been presented thereafter by the other party to the marriage praying for a decree of divorce under section 11 on any ground, whether in the same district court or in a separate district court, in the same State or in a separate State,

the petitions shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,—

(a) if the petitions are presented to the same District court, both the petitions shall be tried and heard together by that district court;

(b) if the petitions are presented to in separate District courts, the petition presented later shall be transferred to the district court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

(3) In a case where clause (b) of sub-section (2) applies, the court or the Government, as the case may be, competent under the Code of Civil Procedure, to transfer any suit or proceeding from the

district court in which the later petition has been presented to the district court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

Special provision relating to trial and disposal of petitions under the Act.

24. Every petition or appeal under this Act shall be tried as expeditiously as possible, and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition or appeal on the respondent, as the case may be.

Documentary evidence.

25. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.

Proceedings to be in camera and may not be printed or published.

26. (1) Every proceeding under this Act shall be conducted in camera and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to twenty five thousand rupees.

Decree in proceedings.

27. (1) In any proceeding under this Act, whether defended or not, if the court is satisfied that—

(a) any of the grounds for granting relief exists and the petitioner is not in anyway taking advantage of his or her own wrong or disability for the purpose of such relief, and

(b) where the ground of the petition is the ground specified in clause (i) of sub-section (1) of section 11, the petitioner has not in any manner been accessory to or connived at or condoned the act or acts complained of, or where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty, and

(c) when a divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence, and

(d) the petition is not presented or prosecuted in collusion with the respondent, and

(e) there has not been any unnecessary or improper delay in instituting the proceeding, and

(f) there is no other legal ground why relief should not be granted,

then, and in such a case, but not otherwise, the court shall

decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties:

Provided that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the grounds specified in clause (iv), clause (v), clause (vi), clause (vii), clause (viii) or clause (ix) of sub-section (1) of Section 11.

(3) For the purpose of aiding the Court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do, adjourn the proceedings for a reasonable period and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report to the court as to whether reconciliation can be and has been effected and the court shall in disposing of the proceeding have due regard for the report.

(4) In every case, the court passing the judgment or decree shall give a copy thereof free of cost to each of the parties:

Provided that wherein the respondent was proceeded ex-parte, the copy of the judgement or the decree shall be sent to him by a registered post.

28. In any proceedings of restitution of conjugal rights or divorce, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and if the petitioner's adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.

Relief for respondent in divorce and other proceedings.

29. (1) All judgments, decrees and orders made by district court in any proceeding under this Act shall, subject to the provisions of sub-section (2) and (3), be appealable and every such appeal shall lie to the High Court.

Appeals from judgment, decrees and orders.

(2) There shall be no appeal under this section on subject of costs only.

(3) No appeal shall lie to the High Court from a judgment, decree or order made by district court with the consent of the parties.

(4) Every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, decree or order:

Provided that the High Court may entertain an appeal after the expiry of the period of ninety days, if it is satisfied that there was sufficient or reasonable cause for not filing the appeal

within the prescribed time limit.

Enforcement
of decrees
and orders.

30. All decrees and orders made by the court in any proceeding under this Act, shall be enforced in the like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced.

MISCELLANEOUS

Savings.

31. (1) A marriage solemnized between Sikhs before the commencement of this Act, which is otherwise valid, shall not be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to the same “pravara” or belonged to different religion.

(2) Nothing contained in this Act shall be deemed to affect any right exercised before the commencement of this Act to obtain the dissolution of a Sikh marriage recognised by custom or usage.

(3) Nothing contained in this Act shall affect the procedure of any proceeding pending at the commencement of this Act under any law for the time being in force for declaring any marriage to be null and void or for annulling or dissolving any marriage, and any such proceeding may be continued in accordance with the procedure applicable before commencement of this Act.

Powers to
make rules.

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

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

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

STATEMENT OF OBJECTS AND REASONS

Sikh religion is the sixth largest religion in the world. It has its own traditions and rituals. In a secular system, every religion enjoys freedom to practice its beliefs. Sikh community, ever since independence, has the feeling that it is not being treated at par with other religious groups like Hindus, Muslims or Christians.

Under *Explanation* II to article 25(6), any reference to 'Hindus' has been construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion. This jeopardizes the independence of Sikh religion being a separate religion in India, is wrong and against the spirit of genuine secularism. We are proud of our unity in diversity, but are subjugating diversity to unity, with arbitrary imposition of such clauses against the wishes of Sikhs which is against the spirit of our Constitution also.

The need is to frame a law relating to marriage among the Sikhs *at par* with those of other religious groups like Hindus, etc.

Hence this Bill.

NEW DELHI;

DHARAM VIRA GANDHI

30 July, 2024

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for appointment of Registrar and Sub-Registrar in each revenue district or tehsil level, as the case may be, for registration of Sikh marriages. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government shall bear the expenditure in respect of Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to state the exact expenditure, it is estimated that a sum of rupees one hundred crore would be involved as recurring expenditure per annum.

No non-recurring expenditure will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

Bill No. 188 of 2024

*A Bill further to amend the Narcotic Drugs and Psychotropic
Substances Act, 1985.*

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 Narcotic Drugs and Psychotropic Substances
(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.

61 of 1985. **2.** In section 1, of the Narcotic Drugs and Psychotropic Substances Act, 1985 Amendment of
section 1.
(hereinafter referred to as the principal Act), in sub-section (1), for the words
“Narcotic Drugs and Psychotropic Substances”, the words “Hard Drugs” shall be
substituted.

Substitution of references to certain expression by certain other expression.

3. Throughout the principal Act,—

(a) for the words “narcotic drugs” wherever they occur, the words “hard drugs” shall be substituted;

(b) for the words “psychotropic substances” wherever they occur, the words “hard drugs” shall be substituted;

(c) for the words “narcotics drugs and psychotropic substances”, wherever they occur, the words “hard drugs” shall be substituted;

(d) for the words “narcotics drugs or psychotropic substances”, wherever they occur, the words “hard drugs” shall be substituted;

(e) for the words, “narcotic drugs, psychotropic substances”, the words “hard drugs” shall be substituted; and

(f) for the words “Schedule”, wherever they occur, the words, “First Schedule” shall be substituted.

Amendment of section 2.

4. In section 2 of the principal Act,—

(a) clauses (viii*a*) and (viii*b*) shall be renumbered as clauses (viii*c*) and (viii*d*), respectively, and, before clauses (viii*c*) and (viii*d*) as so renumbered, the following clauses shall be inserted, namely:—

‘(viii*a*) “drug” means a substance the use of which affects biological or neurological state of a person;

(viii*b*) “hard drug” means a drug specified in the First Schedule the use of which leads to significant physical or psychological addiction or degradation of a person but does not include a soft drug;’;

(b) clause (xxiii) shall be omitted;

(c) after clause (xxiii*a*), the following clause shall be inserted, namely:—

‘(xxiii*b*) “soft drug” means a drug specified in the Second Schedule the use of which does not lead to significant physical or psychological dependence or degradation of a person;’; and

(d) after clause (xxviii*a*), the following clause shall be inserted, namely:—

‘(xxviii*b*) “voluntary declaration” means a declaration made by a person without any coercion or force about his being an addict of any narcotic drug or psychotropic substance or hard drug;’.

Amendment of section 4.

5. In section 4 of the principal Act, in sub-section (2), after clause (da), the following clause shall be inserted, namely:—

“(db) introduction of mechanism for authorised and monitored sale of soft drugs with such cap on profit to be made by a retailer on the sale of soft drugs, as the Central Government may determine;”.

Amendment of section 6.

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

“Provided that the members of the Committee shall be certified experts in matters pertaining to hard drugs;”.

7. In section 7A of the principal Act,—

Amendment
of
section 7A.

(a) in sub-section (1), after clause (d), the following clause shall be inserted, namely:—

“(e) such portion of income from authorised sale of soft drugs as may be determined, from time to time, by the Central Government; and

(b) in sub-section (2),—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) identifying, treating and rehabilitating addicts in dedicated rehabilitation centres;”;

(ii) clause (d) shall be omitted;

(iii) in clause (e), for the words “drug abuse”, the words “the dangers attached with the abuse of hard drugs” shall be substituted;

(iv) in clause (f), the words “at dedicated rehabilitation centres” shall be added at the end; and

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

“(g) setting up of Drug Abuse Control and Prevention Centres at State and district levels to assist the Hard Drugs Consultative Committee in combating abuse of hard drugs.”.

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

Substitution of
new section for
section 8.

“8. No person shall produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-State, export inter-State, import from India, export from India or tranship any hard drug or its substituent listed under the rules or the orders made under this Act, except for medical or scientific purposes and in the manner and to extent provided by the provisions of this Act or the rules or orders made thereunder and in case where any such provision, imposes any requirement by way of licence, permit or authorisation, the terms and conditions of such licence, permit or authorisation shall also be adhered to:

Prohibition of
certain
operations.

Provided that nothing in this section shall apply to the export of poppy straw for decorative purposes.”.

9. In section 9 of the principal Act,—

Amendment of
section 9.

(a) in sub-section (1), in clause (a), after sub-clause (va), the following sub-clause shall be inserted, namely:—

“(vb) the manufacture, cultivation, possession, transport, import inter-State, export inter-state, sale, purchase, consumption or use of hard drugs;

(vc) the manufacture, cultivation, possession, transport, import inter-State import, export inter-state, sale, purchase, consumption or use of soft drugs;”;

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

“(aa) prescribe the forms and conditions of licences or permits for the manufacture, cultivation, possession, transport, import inter-State, export inter-state, sale, purchase, consumption or use of hard drugs and designate the authorities which shall grant such licence or permit and the fee that shall be charged therefor; and

(ab) prescribe the forms and conditions of licences or permits for the manufacture, cultivation, possession, transport, inter-State import or export, sale, purchase, consumption or use of soft drugs and designate the authorities which shall grant such licence or permit and the fee that shall be charged therefor.”.

Amendment
of section 10.

10. In section 10 of the principal Act,—

(a) in sub-section (1), in clause (a), sub-clause (iii) shall be omitted;

(b) for the words “poppy straw”, wherever they occur, the words “components for the manufacture of hard drugs” shall be substituted; and

(c) for the word “opium”, wherever it occur, the words “hard drugs” shall be substituted.

Amendment
of section 14.

11. In section 14 of the principal Act, the words “industrial purposes only of” shall be omitted.

Amendment
of section 16.

12. In section 16 of the principal Act, for the words “coca plant” and the words “coca leaves”, wherever they occur, the words “controlled substances used for the manufacture or production of hard drugs” shall be substituted.

Amendment
of section 20.

13. Existing section 20 of the principal Act shall be numbered as sub-section (1), and after sub-section (1), as so numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding any other provision of law, except as otherwise provided in this section, the following acts done by the consumer shall be lawful and shall not attract any civil or criminal penalty or be the basis for seizure or forfeiture of assets:—

(a) possessing, cultivating, using, displaying, purchasing or transporting soft drugs;

(b) consumption of soft drugs except in public; and

(c) assisting another person in any of the acts mentioned in clause (a) and (b).”

Amendment
of section 21.

14. In section 21 of the principal Act,—

(a) the words “or uses” shall be omitted; and

(b) for the words “manufactured drug” at both the places, the words “manufactured hard drug” shall be substituted.

Insertion of new
section 22A.

15. After section 22 of the principal Act, the following section shall be inserted, namely:—

“22A. (1) The cultivation of soft drugs shall be subject to the following—

Restriction on
cultivation of
soft drugs.

(a) cultivation of soft drugs shall be at location where the soft drugs are not accessible to public view;

(b) reasonable precautions shall be taken by the person cultivating the soft drugs to prevent unauthorise access to the soft drugs; and

(c) cultivation shall be in a land or premise that is lawfully owned by the person cultivating the soft drugs or cultivation shall be with the consent of the person who is in lawful possession of that land or premise, as the case may be.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with a fine which may extend upto twenty-five thousand rupees.”.

16. For section 27 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 27.

“27. Whoever, consumes any hard drug or its substituent shall,—

Punishment for consumption of hard drug.

(a) where the user is not classified as a repeated offender, be punished with fine which may extend to twenty thousand rupees or remanded to a dedicated rehabilitation or counselling centre for detoxification or be required to undergo community service at a rehabilitation centre or be subject to all the three, that is, the fine, the remand and the community service;

(b) if the user has made a voluntary declaration, not attract any criminal liability; and

(c) where the user has been classified as a repeated offender with more than two instances of use of hard drug, be remanded to a dedicated rehabilitation centre followed by compulsory community service.”.

17. In section 31A of the principal Act, for the words, “narcotic drugs/ psychotropic substances”, the words “hard drugs” shall be substituted.

Amendment of section 31A.

18. In section 44 of the principal Act, for the words “coca plant, the opium poppy or cannabis plant” at both the places, the words “controlled substances used for the manufacture or production of hard drugs” shall be substituted.

Amendment of section 44.

19. In section 46 of the principal Act, for the words “opium poppy, cannabis plant or coca plant”, the words “controlled substances used for the manufacture or production of hard drugs” shall be substituted.

Amendment of section 46.

20. In section 47 of the principal Act, for the words “opium poppy, cannabis plant or coca plant”, the words “controlled substances used for the manufacture or production of hard drugs” shall be substituted.

Amendment of section 47.

21. In section 60 of the principal Act, in sub-section (1), for the words “the narcotic drug, psychotropic substance, controlled substance, opium poppy, coca plant, cannabis plant”, the words “the hard drug, controlled substances used for the manufacture or production of hard drug” shall be substituted.

Amendment of section 60.

22. In section 64A of the principal Act, for the words “voluntarily seeks”, the words “has made a voluntary declaration” shall be substituted.

Amendment of section 64A.

FIRST

Insertion of
new Schedule. **23.** After the Schedule to the principal Act, the following Schedule shall be
inserted, namely:—

“THE SECOND SCHEDULE
[See clause (xxiib) of section 2]
LIST OF SOFT DRUGS

Sl. No.	Name
1.	
2.	
3.	

STATEMENT OF OBJECTS AND REASONS

The Narcotic Drugs and Psychotropic Substances Act, 1985, known as NDPS Act was enacted in order to meet then United Nations Conventions on Drug Policy. The objective was to prevent rampant drug use in society, as it was believed drugs and intoxicants degrade the moral character of individuals and destabilize well-ordered society. It was believed that drugs were an enemy of ordered civilization, and the goal was a drug-free world.

Most drugs were made illegal. Anyone found using or possessing such substances was prescribed harsh punishments, and large amounts of money was invested in the enforcement of drug restrictions and punishments handed out herewith. Plants and chemicals used in the manufacture of drugs were strictly controlled, and drug enforcement agencies spent large amounts of money and time ensuring that drugs were eradicated from society.

39 years down the line, where do we stand? The fact of the matter is that the NDPS Act has not only failed in achieving its professed goals, but this “War on Drugs” has delivered results directly opposite to what it aimed to achieve. There can be no better verdict and/or evaluation of such punitive drug laws than frank admission statement of the United Nations Conference on 12th March, 2009, admitting that “the War on Drugs has failed”.

The War on Drugs has led to the creation of a dangerous drug mafia, scores of human rights violations and destroyed innumerable lives. As the common man’s recreational substances were made unavailable, the newer, more potent, addictive and dangerous alternative drugs flooded the markets. Heroin replaced opium, cocaine replaced cannabis, and so on. As the drug business involves huge super profits, on one hand it creates business rivalries that on the other hand spill into gang wars and ruthless and aggressive marketing, thus pushing more and more people into the drug world. Consequently, more and more people are turning to the easily available and aggressively marketed addictive street drugs. The NCRB reported in 2014, that there are at least 25,000 individuals accused under the NDPS Act. Statistics of the Narcotics Control Bureau (NCB) indicate that number of users arrested contributes to 88% of those jailed under NDPS. Traffickers and distributors are 2%. No financiers have been arrested. The drug mafia operates with impunity, increasing the scale of its operations. The UN has estimated that drug trade is the largest illegal market in the world, amounting to \$300 billion. Drug money is being used to fund wars and terrorism and creating narco-terrorism.

India is currently facing a massive drug problem, with citizens between 15-40 years of age habitually abusing more and more harmful substances as the supply of less harmful, conventional intoxicants is curtailed. Punjab, Mizoram, Maharashtra, Delhi and Himachal Pradesh are the worst affected States. It is ironic that inspite of loud noises made from different parts of the country, especially Punjab and Mizoram about the increasing drug menace, resulting in immense death and misery, the NDPS Act has neither been reviewed or analysed by any Government in the past.

It has dawned upon nations worldwide that banning all intoxicating substances and imposing criminal liabilities on non-violent users is only worsening the problem. It is time to treat drug abuse and addiction as the health issue instead of treating it as a crime against society. It is high time to modernize our drug policy.

The Bill, therefore, seeks to amend the Narcotic Drugs and Psychotropic Substances Act, 1985 with a view to:—

(a) substitute the words “narcotic drugs and psychotropic substance” and the words “narcotic drugs or psychotropic substance” with the words ‘hard drugs’ throughout the parent Act;

(b) include ‘soft drugs’ within the purview of the Act;

(c) empower the Central Government to take measures for authorised and monitored sale of soft drugs;

(d) provide that members of the Narcotic Drugs and Psychotropic Substances Consultative Committee shall be certified experts in matters dealing with narcotic drugs, psychotropic substances and hard drugs;

(e) set up Drug Abuse Control and Prevention Centres at State and District Level to combat abuse of narcotic drugs, psychotropic substances and hard drugs;

(f) prohibit produce, manufacture, sell, etc. of any hard drugs or its substituent except for medical or scientific purposes;

(g) empower the Central Government to permit and regulate the manufacture, cultivation, possession, transport, inter-State import or export, sale, purchase, consumption or use of hard drugs and soft drugs;

(h) provide punishment for contravention in relation to the manufacture, cultivation, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of soft drugs;

(i) provide restriction on cultivation of soft drugs;

(j) provide punishment for consumption of hard drug and exemption of a person making voluntary declaration from prosecution for consumption of hard drugs; and

(k) provide the details of drugs to be included as soft drugs under this Act.

Hence this Bill.

NEW DELHI;
August 6, 2024.

DHARAM VIRA GANDHI

Bill No. 118 of 2024

A Bill to provide for special financial assistance to the State of Rajasthan to meet the expense of geo-mapping of trees and saplings during plantation in the State of Rajasthan.

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 Special Financial Assistance for Geo-Mapping of Trees in the State of Rajasthan Act, 2024.

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

Short title
and
commencement.

Definitions.

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

(a) “Geo-mapping” means the process of converting raw data from surveys into a geo map that helps by providing a visualization of the location of utilities quickly and accurately;

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

(c) “sapling” means a young tree specifically one not over four inches (about 10 centimeters) in diameter at breast height; and

(d) “tree” includes palm, skump, brush-wood and cane.

Special
financial
assistance to
the State of
Rajasthan.

3. There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of geo-mapping of trees and saplings during plantation in the State of Rajasthan.

STATEMENT OF OBJECTS AND REASONS

Rajasthan, according to geographical area, ranking 15th in terms of the Recorded Forest Areas (RFA), is a forest deficient State. As per the Champion and Seth Classification of Forest Types (1968), the forests in Rajasthan belong to two type groups *i.e.* Tropical Dry Deciduous and Tropical Thorn Forests which are further divided into 20 Forest Types.

Situated in the north-western part of the country, the largest State of the country, Rajasthan covers an area of 3,42,239 sq km, which is 10.40 per cent. of the geographical area of the country. The State has 4 distinct regions namely, Western Desert with Barren Hills, Level Rocky and Sandy Plains, the Aravalli Hills and South-Eastern Plateau.

The climate of the State varies from semi-arid to arid. Western part of the State, including Thar Desert (also known as The Great Indian Desert), is relatively dry and infertile whereas in the south-western part, the land is wetter, hilly, and more fertile. The average annual temperature ranges between 0°C to 50°C and the average annual rainfall is in the range of 500 mm to about 750 mm. The State is drained by a number of rivers which include Banas, Chambal, Luni and Mahi. The State has 33 districts.

As per the 2011 Census, Rajasthan has a population of 68.55 million accounting to 5.66 per cent. of India's population. The rural and urban population constitute 75.10 per cent. and 24.90 per cent. respectively. The population density is 200 per sq km which is much lower than the national average of 382 persons per sq km. The 19th Livestock census 2012 has reported a total livestock population of 57.73 million in the State.

Trees play many valuable roles in our lives. They sequester carbon, produce oxygen, fix nitrogen and help in controlling pollution. Trees play a role in cleaning the air. Properly located trees reduce the heating and cooling costs of buildings, as well as, contributing to more comfortable outdoor spaces. Trees reduce soil erosion and provide important habitat and food sources for animals including humans. Dead trees provide hunting perches for raptors and other birds. They can provide vital housing for many species of birds and animals.

The Inter-governmental Panel on Climate Change has estimated that nearly 1 billion of hectares of trees are needed to reduce climate change to about 1.5°C. The challenge, however, is where to put those trees. A new study indicates that through geo-mapping of trees and sapling, during plantation, the locations where new trees can be planted can be identified.

It is, therefore, necessary that the Central Government should provide special assistance to the State of Rajasthan to meet the costs of geo-mapping of trees and saplings during the plantation in the State of Rajasthan.

Hence this Bill.

NEW DELHI;
July 29, 2024.

DAMODAR AGRAWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may be due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of Geo-Mapping of Trees and Saplings during the plantation in the State of Rajasthan, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of Consolidated Fund of India. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government with the approval of Government of India are identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

Bill No. 121 of 2024

A Bill to prohibit marketing, slaughtering, trading, cooking, serving and consumption of meat and other non-vegetarian food within 100 square metre area from the places of Hindu religious worship 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 Hindu Religious Places of Worship Sanctity (Prohibition of marketing, Slaughtering, Trading, Cooking, Serving and Consumption of Meat and other non-Vegetarian Food) Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

Definitions

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

(a) “animal market” means a market place or sale-yards or any other premises or place to which animals are brought from other places and offered or displayed for sale or auction and includes animal fairs and cattle pounds, duly licensed or recognized under any Act or any other law for the time being in force or any rules or regulations made thereunder;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “beef” means flesh of the cattle in any form whose slaughter is prohibited under any Union or State Act;

(d) “consumer” means a person who purchase and receive food in order to meet his personal needs;

(e) “consumption” means the act of consuming food in any form including solid, liquid and gaseous state;

(f) “cooking” means the act of preparing something as food by the application of heat;

(g) “*devalya*” means a place by whatever designation known, used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any class of section thereof, as a place of public religious worship and also includes any cultural institution or mathh or *mandap* or library connected with such a place of public religious worship;

(h) “ingredient” means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;

(i) “local area” means any area, whether urban or rural, notified by the appropriate Government, to be a local area for the purposes of this Act;

(j) “marketing” means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, notice, circular, label, wrapper, invoice or other documents;

(k) “meat” includes the flesh or other edible parts of animals (usually domesticated cattle, swine, fish, beef and sheep) used for food, including not only the muscles and fat but also the tendons and ligaments;

(l) “place of worship” means a temple or *devalya* or any other place of Hindu religious worship of any denomination or any section thereof, by whatever name called;

(m) “premise” includes any residential, religious and commercial place including house, shop, stall, hotel, restaurant, airline services and food canteens, place or vehicle or vessel where any article of food is sold or manufactured or stored for sale;

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

(o) “religious officer” means the officer appointed under section 7;

(p) “sale” with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or

by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;

(q) “slaughter” means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course shall cause death;

(r) “trading” means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale; and

(s) “vegetarian” means a person who consumes fruits, vegetables, grains and nuts exclusively and not the meat, fish or any other products in which animal flesh is being used.

3. No person shall directly or indirectly market, slaughter, trade, buy, cook, serve and consume any meat, non-vegetarian products or beef products in any premise in any form within 100 square meters of hindu religious place of worship.

Prohibition of marketing, slaughtering, trading, cooking, serving and consumption of meat and other non-vegetarian products.

4. (1) The appropriate Government may, by notification in the Official Gazette, appoint or declare any person as Religious Officer for carrying out the purposes of this Act for such local areas as may be specified in that notification.

Appointment of Religious Officer.

(2) The salary and allowances payable to and other terms and conditions of services of Religious Officer appointed or declared under sub-section (1) shall be such as may be prescribed.

5. No person shall be eligible for the appointment of Religious Officer under section 4 unless he—

Qualification for Religious Officer.

(a) is Graduate in any stream of education;

(b) has completed the age of twenty-five years;

(c) posses good moral character;

(d) is not involved or booked in any criminal activity;

(e) worship, preaches, practices or follows hindu religion;

(f) is a vegetarian and has declared his eating preferences on an affidavit; and

(g) is the resident of the local area.

Power to enter, inspect, search, seizure and detain.

6. (1) For the purpose of enforcing the provisions of this Act, a police officer not below the rank of Sub-Inspector or a Religious Officer or any person authorized in this behalf by the appropriate Government, shall have the power to enter and inspect any premises within the local limits of jurisdiction of such persons where he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises as specified under sub-section (1) shall allow the police officer not below the rank of Sub-Inspector or Religious Officer or the person authorized in this behalf by the appropriate Government, as the case may be, such access to the premises as he may require for the aforesaid purpose and shall answer any question put to him by such police officer or religious officer or the person authorized in this behalf by the appropriate Government, as the case may be, to the best of his knowledge and belief.

(3) A police officer not below the rank of Sub-Inspector or Religious Officer, as the case may be, upon access to the premises under sub-section (2), seize any vehicle, conveyance and cattle, if he is of the opinion that such vehicle, conveyance or cattle are being used in contravention with the provisions of this Act.

(4) After the seizure of any vehicle, conveyance or cattle under sub-section (3), such police officer shall report such seizure without unreasonable delay before the Judicial Magistrate of 1st Class:

Provided that the authority or officer, other than police officer, seizing such vehicles or conveyance or cattle, shall maintain the seized cattle and hand over any other material, vehicles or persons detained to the jurisdictional police station alongwith complaint and such Officer-in-charge of Jurisdictional police officer shall report such seizure without unreasonable delay before the judicial magistrate of 1st class.

(5) On receipt of the report under sub-section (3), the Judicial magistrate may, on being satisfied that there is enough material to presume that a *prima-facie* offence under this Act has been committed or intended to be committed, release the seized materials including vehicle or conveyance except, to the satisfaction of the Court, pending disposal of the criminal proceedings instituted in respect of the alleged offence.

(6) The expenditure incurred on the maintenance of the seized cattle shall be recovered from such persons as may be prescribed.

(7) The cattle seized under this section may be handed over to an institution established under section 9 of this Act or any existing *gaushala* or similar institution after value assessment by the Animal husbandry and Veterinary Department of the appropriate Government.

Restriction on bail.

7. Notwithstanding anything contained in this Act, no person accused of any offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless the public prosecutor has been given an opportunity of being heard on the application for such release.

	8. On conviction, the vehicle or any conveyances or bank guarantee so furnished and cattle so seized under this Act shall stand forfeited to the appropriate Government in such manner as may be prescribed.	Forfeiture of vehicle, etc.
21 of 1860 2 of 1882 18 of 2013	9. The appropriate Government may establish or direct any local authority or permit society registered under the Societies Registration Act, 1860, or Indian Trust Act, 1882 or non-profit company established under the provisions of section 8 of Indian Companies Act, 2013 to establish an institution including <i>gaushalas</i> at such places as may be deemed necessary for taking care of the seized cattle and to be housed thereto in such manner as may be prescribed.	Establishment of an institution including <i>Gaushalas</i> for taking care of cattle.
46 of 2023	10. Notwithstanding anything contained in the Bhartiya Nagrik Suraksha Sanhita, 2023 the police officer not below the rank of superintendent of police, if has reason to believe that any person who is accused of an offence under this act and against whom a warrant has been issued, has absconded or concealing himself so that such warrant cannot be executed, the names and the photograph of such person may be published at some prominent places in locality where the accused ordinarily resides or to a public places.	Publication of photographs etc. of absconding offenders.
	11. (1) Whoever contravenes any of the provisions contained in this Act shall be guilty of an offence punishable with imprisonment for a term which shall not less than three years but which may extend upto eight years and with fine, which shall not be less than three lakh rupees but may extend upto five lakh rupees or with both: Provided that after considering facts and circumstances of a case and after hearing the Public Prosecutor on the question of sentence, the trial court may, for the reasons to be recorded in writing, impose lesser punishment than the minimum prescribed penalty under this section. (2) Whoever after conviction of an offence under this Act is again found to be guilty of an offence under this Act, shall be punished with double the punishment provided for the said offence for the second and subsequent conviction.	Penalties.
	12. Whoever abets any offence punishable under this act or attempts to commit any such offence shall be punishable with the punishment provided in this Act for such offences.	Abetments and attempts.
	13. (1) Any person aggrieved by any order passed under section 11 and section 12 may, within thirty days from the date of receipt of such order appeal to the sessions judge having jurisdiction over the area in which the property, to which such order relates, has been seized. (2) The sessions Judge may, after giving the persons affected a reasonable opportunity of being heard, pass such order as it deems fit.	Appeals.
46 of 2023	14. Notwithstanding anything contained in the Bhartiya Nagrik Suraksha Sanhita, 2023, all offences under this act shall be cognizable and non-bailable.	Offences to be cognizable.
	15. Subject to such conditions as may be prescribed, this Act shall not apply to the places where a No Objection Certificate has been obtained from the place of worship.	Exemptions.
	16. The Central Government shall render religious, scientific and technical advice and assistance to respective State Governments and Union territory administrations if so, required to achieve the purposes of this Act.	Central Government to render religious, scientific and technical advice.

Central Government to provide financial assistance to States and Union territories.

17. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the States and Union territories to meet the expenses for creating infrastructure to prohibit slaughtering, trading, cooking and consumption of meat with in 100 square meter area from the hindu religious places of worship.

(2) The Central Government before releasing the money under sub-section (1) shall ensure that State Governments and Union territory administrations have complied with the provisions of this Act.

Officers exercising power under this act to be deemed to be public servants.

18. All Religious Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 37 of the Bhartiya Nyaya Sanhita, 2023.

45 of 2023

Protection of persons acting in good faith.

19. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made hereunder.

Functions of Delegation.

20. The appropriate Government may, by notification in the Official gazette, delegate to any officer of the appropriate Government all or any of its powers or functions under this Act.

Act not in derogation of any other law.

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

Power to make rules.

22. (1) The appropriate Government may, by notification in the Official gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(i) the places of worship, or festival for slaughter of cattle in pursuance of this Act;

(ii) rules for proper management and conditions and fees for registration of institution established under section 9;

(iii) the manner of forfeiture of the vehicle or any conveyance or animal to appropriate Government under section 8;

(iv) competent authority and its power and function; and

(v) any other matter which is or may be prescribed.

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

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

STATEMENT OF OBJECTS AND REASONS

Ahinsa, the law of non-injury, is the Sanatan Dharma's (Hinduism) first duty in fulfilling religious obligations to God and God's creation as defined by Vedic scripture. All of our actions, including our choice of food, have Karmic consequences. According to ancient Hindu scriptures, non-violence is the most important virtue. For this reason, millions of Hindus are lacto-vegetarians, as it is a diet that lessens harm to animals. It lies at the top of the hierarchy of Hindu dietary practices and is rooted in Indian customs. By involving oneself in the cycle of inflicting injury, pain and death, even indirectly by eating other creatures, one must in the future experience in equal measure the suffering caused.

Food is the source of the body's chemistry, and what we ingest affects our consciousness, emotions and experiential patterns. If one wants to live in higher consciousness, in peace and happiness and love for all creatures, then he cannot eat meat, fish, shellfish, fowl or eggs. By ingesting the grosser chemistries of animal foods, one introduces into the body and mind anger, jealousy, anxiety, suspicion and a terrible fear of death, all of which are locked into the flesh of the butchered creatures. For these reasons, vegetarians live in higher consciousness and meat-eaters abide in lower consciousness.

In Sanatan Dharma, the importance of purity and satvikta is considered to be special in worship. In such a situation, cutting of animals near a temple, hanging them in the open for publicity, buying, selling, making and eating meat destroys, purity and satvikta in worship. The worship of people who believe in Sanatan Dharma is destroyed due to coming in contact through seeing, smelling, hearing all the above mentioned acts.

Therefore, it is very important to ban 100 square meters area of Devalya or hindu religious places of worship and religious institutions for marketing, slaughtering, trading, cooking, serving and consumption of meat and other non-vegetarian items.

Hence this Bill.

NEW DELHI;
July 24, 2024.

DAMODAR AGRAWAL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for appointment of a Religious Officer for carrying out the provision of this Act. Clause 16 provides for rendering of religious, scientific and technical advice and assistance to the State Governments and Union territory Administrations. Clause 17 provides that there shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may be due appropriation provide, as special financial assistance to the States and Union territories of India to meet the costs of implementing of law, as may be undertaken by the States and Union territories with the approval of the Union Government. The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India. As the sums of moneys which will be given to the States and Union territories as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government and Union territories Administrations with the approval of Government of India are identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of this Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is, therefore, of a normal character.

Bill No. 134 of 2024

A Bill to provide for special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan.

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 Special Financial Assistance for Ancient Monuments and Archaeological Sites and Remains in the State of Rajasthan Bill, 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.

Definitions.

2. In this Act, unless the context otherwise requires, “ancient monument” means any structure, erection or monument, or any tumulus or place of interment or any cave, rock-sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years and includes:—

- (i) remains of an ancient monument;
- (ii) site of an ancient monument;
- (iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and
- (iv) the means of access to and convenient inspection of an ancient monument.

Special
financial
assistance to
the State of
Rajasthan.

3. **There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may be due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan, as may be undertaken by the State with approval of the Central Government.**

Act not in
derogation of
any other law.

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

STATEMENT OF OBJECTS AND REASONS

The State of Rajasthan is one of the favourite destinations of tourists, both domestic and foreign. Rajasthan is famous for its rich culture and tradition, fairs and festivals worldwide. The different tourist destinations attract the tourists because of various reasons including its ancient and historical monuments and archaeological sites and remains.

At present, the Archaeological Survey of India is looking after the maintenance and conservation of 161 monuments/sites. These monuments and archaeological remains of diverse nature are located in the region since prehistoric times and are scattered from Dholpur in the east to Jaisalmer in the west and Ganganagar in the north and Banswara in the south of Rajasthan.

Taking care of the monuments is an important duty that devolves on the respective State Government as well as the Central Government. It needs funds to engage people who can look after monuments, ensure that the miscreants do not harm them, as also to get the damaged portion repaired from expert designers and engineers. The Central Government must provide adequate funds for each monument.

The proper upkeep and maintenance of ancient and historical monuments and archaeological sites and remains in Rajasthan shall boost heritage tourism which will in turn increase employment, revenue generation and local business in Rajasthan.

It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan.

Hence this Bill.

NEW DELHI;
July 29, 2024

DAMODAR AGRAWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as a special financial assistance to the State of Rajasthan to meet the cost of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government with the approval of Government of India are identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

Bill No. 161 of 2024

to provide for, in the interest of upholding the values of international human rights, an appropriate legal framework to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay 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 Legitimate Asylum to Refugees Act, 2015.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

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

Declaration.

2. For the removal of doubts, it is hereby declared that the main objects of this Act are:—

(a) to establish an appropriate legal framework to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay;

(b) to do the same in a way that:

(i) it is in adherence with articles 37 and 253 of the Constitution of India, which provide an administrative system free from arbitrariness and guarantee equality, fairness and due process of law;

(ii) it maintains India's commitment to upholding international human rights principles through accession to all major human rights treaties, and adoption of appropriate legislative steps to implement them; and

(iii) to ensure that the grant of refugee status shall be considered a peaceful and humanitarian act and will not imply any judgment on the country of origin of the refugee.

Definitions.

3. In this Act, unless the context otherwise requires:

(a) 'asylum seeker' means a person who seeks recognition and protection as a refugee;

(b) 'Commissioner' means the Commissioner of Refugees appointed under section 7;

(c) 'country of origin' means the refugee's country of nationality or if he or she has no nationality, his or her country of former habitual residence;

(d) 'prescribed' means prescribed by rules under this Act.

(e) 'refugee' means—

(i) any person who is outside his or her country of origin, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership or particular social group or political opinion; or

(ii) any person who owing to external aggression, occupation, foreign domination, serious violation of human rights or other events seriously disrupting public order in either part or whole of his or her country of origin, is compelled to leave his or her place of habitual residence in order to seek refuge in another place out his or her country or origin.

Explanation.—In the case of a person who has several nationalities, the term "his or her country of origin" shall mean each of the countries of which he or she is a national, and a person shall not be deemed to be lacking the protection of the country of which he or she is a national, if without any valid reason based on well-founded

fear, he or she has not availed himself of the protection of one or more of the countries of which he or she is a national.

(f) 'Refugee Committee' means the Committee referred to in section 7 as an Appellate Board; and

(g) 'refugee children' means children below the age of eighteen years who are seeking refuge or where protection is extended by the State to children under article 22 of the Convention on the Rights of the Child, 1989.

4. A person shall be excluded from refugee status for the purpose of this Act if:

(a) there are serious reasons to believe that he or she has committed acts of a crime against peace, a war crime or a crime against humanity, in accordance with the applicable principles and rules of International Law and Conventions, including the SAARC Regional Convention on Suppression of Terrorism, 1987; or

(b) there are serious reasons to believe that he or she has committed a serious non-political crime contrary to the applicable principles and rules of the SAARC Regional Convention on Suppression of Terrorism, 1987, prior to his or her admission into India as a refugee.

Persons who shall be excluded from refugee status.

5. (1) No refugee or asylum seeker shall be expelled or returned in any manner whatsoever to a place in which there are sufficient reasons or well-founded fears to believe that his or her life or freedom may be under threat on account of race, religion, sex, nationality, ethnic identity, membership or particular social group or political opinion.

Principle of Non Refoulement.

(2) Where an asylum seeker or refugee has been convicted by a final judgement of a crime against peace, a war crime or a crime against humanity and constitutes a danger to the community, or there are reasonable grounds to believe that an asylum seeker or refugee is a threat to the sovereignty and integrity of the country, such an asylum seeker or refugee shall be excluded from the protection provided under this Act.

6. (1) Where an application is made by or on behalf of, or in relation to an asylum seeker, for the recognition of the said asylum seeker as a refugee, either at the point of entry or subsequently, the applicant shall, in accordance with the principle laid down in section 5 be directed and assisted to apply to the Commissioner of Refugees in such manner as may be prescribed.

Application for recognition of refugee.

(2) Where an application under sub-section (1) is made by or on behalf of, or in relation to an asylum seeker, for the determination of refugee status, pending determination of such status, certain restrictions shall be imposed on the asylum seeker as are considered necessary in the interests of sovereignty and integrity or public order of the country as may be prescribed.

(3) Application under this section may be made within such reasonable time as may be prescribed.

(4) Where an application for refugee status is made by or on behalf of, or in relation to a child, or where a refugee child is found within the territory of country; he or she shall receive immediate and appropriate protection and humanitarian assistance in accordance with the existing policy and legal framework of the country.

(5) The requirement of filing an application form on behalf of a child may be entrusted to a local Legal Service Authority or their representatives or any other recognised non-Governmental Organisation involved in the welfare of children in such manner as may be prescribed.

Constitution
of the
Authorities.

7. (1) For the purposes of this Act, the President shall—

(a) appoint the Commissioner of Refugees and Deputy Commissioners of Refugees as may be necessary on the basis of the eligibility requirements and procedures laid down in section 8;

(b) appoint other officers as may be necessary after consultation with the Commissioner of Refugees; and

(c) constitute Refugee Committee consisting of Chairperson and such other Members as he deem fit.

(2) The Chairperson of the Refugee Committee shall appoint the staff of the Committee.

(3) The salary and allowances Payable to and other terms and conditions of service of the Commissioner, Deputy Commissioner, Chairperson, Members and Secretarial staff of the Refugee Committee shall be such as may be prescribed.

Appointment
and
functions of
the
authorities.

8. (1) The Commissioner of Refugees shall be a sitting or retired High Court Judge and shall be appointed after consultation with the Chief Justice of India, for a period of three years in such manner as may be prescribed.

(2) The Deputy Commissioner shall be appointed from amongst persons who is qualified to be appointed as a High Court Judge, and shall be appointed after consultation with the Chief Justice of India, for a period of three years in such manner as may be prescribed.

(3) The Chairperson of the Refugee Committee shall be a retired Supreme Court Judge and shall be appointed by the President in consultation with the Chief Justice of India for a period of three years in such manner as may be prescribed.

(4) The Refugee Committee shall consist of a sitting or retired High Court Judge, appointed by the President in consultation with the Chief Justice of India, and two independent members with knowledge and experience of refugee issues and refugee law, who shall hold office for a period of three years from the date of their appointment.

(5) The decision of the Commissioner of Refugees shall be final and any appeal against such decision shall lie only with the Refugee Committee, as the Appellate Board for reconsideration of the decision.

(6) The functions of the Commissioner of Refugees and the Refugee Committee shall be as laid down under sections 9 and 11.

(7) The Commissioner of Refugees may assign his functions as may be necessary to the Deputy Commissioner of Refugees appointed under this Act in such manner as may be prescribed.

Determination
of the refugee
status.

9. (1) An asylum seeker who wishes to claim refugee status shall be heard by the Commissioner of Refugees before the determination of his or her status in such manner as may be prescribed.

(2) the asylum seeker shall during the refugee determination interview, be provided necessary facilities by the Commissioner of Refugees, including the service of a competent interpreter where required, and a reasonable opportunity to present evidence in support of his or her case in such manner as may be prescribed.

(3) The asylum seeker, if he or she wishes, shall be given an opportunity, of which he or she should be duly informed, to contact a representative of United Nations High Commission for Refugees (UNHCR), as facilitated by the Commissioner of Refugees.

(4) The asylum seeker, if he or she wishes, shall be entitled to be assisted in the determination of the status by a person of his or her choice, including a legal practitioner.

(5) For the purposes of sub-section (4), a list of competent legal practitioners, who are conversant with refugee law, shall be provided by the Central Government to the asylum seeker:

Provided that if the asylum seeker is not recognised as a refugee, he or she shall be given such reasonable time as may be prescribed, to appeal to the Refugee Committee.

(6) Where an application by the asylum seeker is rejected, the Commissioner of Refugees shall give reasons for the order in writing and furnish a copy of it to the asylum seeker in such manner as may be prescribed:

Provided that if the asylum seeker is recognised as a refugee, he shall be informed accordingly and issued with documentation, certifying his refugee status in such manner as may be prescribed.

10. (1) The findings as well as the orders of the Commissioner of Refugees, the Refugee Committee and other authorities established under this Act shall be published by them periodically in such manner as may be prescribed.

Publication of findings and decision.

(2) The Commissioner of Refugees and the Refugee Committee shall publish, every year, a report of their work which shall be made public in such manner as may be prescribed.

11. (1) The Refugee Committee shall receive and consider appeals made by asylum seekers against the decision of the Commissioner of Refugees in such manner as may be prescribed.

Appellate procedure.

(2) The Committee may also consider applications for the refugee status *suo motto*.

12. A person shall cease to be a refugee if—

Persons who shall cease to be refugees.

(a) he voluntarily re-avails himself of the protection of the country of his origin; or

(b) he becomes a citizen of India; or

(c) he has acquired the nationality of some other country and enjoys the protection of that country; or

(d) he has voluntarily re-established himself in the country which he left, or outside which he remained owing to fear of persecution; or

(e) he can no longer, because the circumstances in connection with which he was recognised as a refugee have ceased to exist,

continue to refuse to avail himself of the protection of the country of his nationality.

Exception:—A person shall not cease to be a refugee for the purpose of this Act if he shows compelling reasons, arising out of previous persecution, for refusing to avail himself of the protection of the country of his nationality, such as incidences of previous persecution by any individual or groups, State or non-State actors.

Rights and
duties of
refugees.

13. (1) Every refugee and asylum-seeker, so long as he remains within India, shall have the right to fair and due treatment without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political group.

(2) Every refugee, so long as he remains within India, shall have the right to:—

(a) receive the same treatment as is generally accorded under the Constitution or any other laws and privileges as may be granted;

(b) be provided means to seek a livelihood for himself, and for those dependent on them;

(c) in the case of refugee women and children, be given special consideration to ensure their protection and material well being;

(d) choose his place of residence and move freely within the territory of India, subject to any regulation applicable to refugees generally in the same circumstances;

(e) be issued identity documents;

(f) be issued travel documents for the purpose of travel outside and back to the territory of India unless compelling reasons of national security or public order otherwise require; and

(g) access to education, health and other related services.

Situations of
mass influx.

14. (1) The Central Government may, in appropriate cases where there is large-scale influx of asylum seekers, issue an order permitting them to reside in India without requiring their individual status to be determined under section until such time as the reasons for departure from the country of origin have ceased to exist, or the Government decides that their status should be determined on an individual basis under this Act.

(2) Asylum seekers who have been permitted to reside in the country under this section may be subject to reasonable restrictions with respect to their location and movement, in the interests of public health and order, so, however, they shall normally have the same rights as refugees under this Act.

(3) Women and children asylum seekers in mass influx shall be given special consideration as to their protection and material well being in such manner as may be prescribed.

Refugees
Unlawfully in
India.

15. The Central Government shall not impose penalties on refugees who, coming directly from a place where their life or freedom was threatened, enter or are present in India without authorisation, provided they present themselves without delay to the authorities and are able to show good cause for their illegal entry or presence.

16. (1) The repatriation of refugees shall take place at their free volition expressed in writing or other appropriate means, before the Commissioner of Refugees in such manner as may be prescribed.

Voluntary
Repatriation.

(2) The voluntary and individual character of repatriation of refugees shall be carried out under conditions of transparency and safety to the country of origin.

(3) The voluntary repatriation of refugees shall take place in accordance with such guidelines, as may be prescribed.

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

Central
Government
to provide
adequate
funds.

18. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have
overriding
effect.

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

Power to
make rules.

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

STATEMENT OF OBJECTS AND REASONS

Articles 37 and 253 of the Constitution provide an administrative system free from arbitrariness and guarantee equality, fairness and due process of law. Moreover, India is also committed to upholding International Human Rights principles through accession to all major human rights treaties, and adoption of appropriate legislative steps to implement them.

While India is still not a signatory to the United Nations Convention relating to the Status of Refugees, 1951 or the 1967 protocol relating to the status of refugees but India does provide protection to a steady influx of refugees every year. As per the records of the Government of India, about 10340 Afghan refugees, 4621 refugees from Myanmar, 80806 refugees from Sri Lanka and 1,01,148 stateless refugees including Tibetan refugees are staying in India.

Hence, in light of the current global scenario and the European refugee crisis, it is believed that India needs its own legal framework in the form of a uniform law in order to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay of refugees.

The Bill seeks to address the above issues by establishing the posts of the Commissioner of Refugees, the Deputy Commissioners of Refugees and the Refugee Committee. The Bill also assigns roles and responsibilities to the above-mentioned authorities in order to ensure that refugees in India are meted out uniform rights and privileges during their stay and are justly repatriated.

Hence this Bill.

NEW DELHI;
July 29, 2024

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 7 of the Bill seeks to provide for the appointment of Refugee Committee. It also provides for the appointment of officers and staff for the Committee. Clause 10 provides for periodical publication of findings of the Commission of the Refugees and Refugee Committee. Clause 17 provides that Central Government shall provide adequate funds to the Refugee Committee for carrying out the purposes of this Act.

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

A non-recurring expenditure of about rupees one hundred crore would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 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. 254 of 2024

A Bill to prohibit the slaughter of cattle and for the preservation of improvement of the breeds of cattle and to endeavour to organize agriculture and animal husbandry in terms of article 48 of the Constitution of India by enacting a comprehensive legislation.

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 Prevention of Slaughter and Preservation of Cattle Bill, 2024.

Short title, extent
and commencement.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "Aayog" means the Go-Seva Aayog" established under Section 12 of this Act .

(b) " Beef" means flesh of the cattle in any form;

(c) " Beef products" include extraction from beef;

(d) "Cattle" means cow, calf of a cow and bull, bullock of all ages and he or she buffalo of all ages;

(e) "GauShala " means a shelter established for the protection and preservation of cattle registered as such with the Animal Welfare Board or under the State or Central Act;

(f) "Government" means the Central Government;

(g) "Premises" means and includes any premises, vessel or vehicle;

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

(i) "Slaughter" means killing by any method whatsoever and includes maiming and infliction of physical injury which in the ordinary course will cause death;

(j) "Uneconomic Cattle" includes stray, unprotected, infirm, disabled, diseased or barren Cattle;

3. (1) Notwithstanding anything contained in any law, custom , or usage to the contrary, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter or otherwise intentionally kill or offer or cause to be offered for killing any cattle.

Prohibition of slaughter of cattle.

(2) Notwithstanding anything in any other law for the time being in force or any custom or usage to be contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cattle, unless he has obtained permit in respect of such cattle in writing from the Competent Authority appointed for the area as may be prescribed.

Provided that the killing of cattle accidentally or in self-defence shall not be deemed to be slaughter under the Act unless proved otherwise.

4. (1) A permit under sub-section (2) shall be issued by the Competent Authority only after it has, for reasons to be recorded in writing, certified that-

Permit, how to be issued.

(a) any cattle operated upon for vaccine lymph, serum or for any experimental or research purpose at an institution established, conducted or recognized by the Central Government; or

(b) any cattle which is suffering from any disease which is certified by a Veterinary Officer authorized by the State Government as being contagious and dangerous to other cattle;

(c) any cattle, slaughter of which is certified by a Veterinary Officer public health; and

(d) any cattle, slaughter of which is certified by a Veterinary Officer, to be necessary on the ground that it is suffering from an incurable disease as terminally ill.

(2) no permit under section 3 shall be issued without certification of the Veterinary Officer of the area or such other officer of the Animal Husbandry Department as may be prescribed.

(b) any cattle slaughtered under sub-section b, c, d of section 2, shall be disposed of under the supervision of the Competent Authority in such manner as may be prescribed.

(c) the Provision of Prevention of Cruelty to Animal Act 1960 or any other act time being in force relating to destruction of suffering animals shall so applicable under this Act.

(d) the Aayog, may, at any time for the purposes of satisfying itself as to be legality or propriety of the action taken by the Competent Authority under this section, call for and examine the record of any case and may pass such order thereon as it may deem fit.

(e) subject to the provisions herein contained, any action taken by the Competent Authority or under this section shall be final and conclusive and shall not be called in question in any Court.

5. Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions contained under section 3 shall be punishable with imprisonment for a term which may extend to Ten years, or with fine which may extend to Five Lakhs rupees, or with both. Penalties.

6. No person shall transport or offer for transport or cause to be transported by whatever means any cattle from any place for slaughter.

Restriction on transport or cattle.

Provided that, the transport of any cattle, in the manner prescribed by the Central Government, for bona-fide agricultural or animal husbandry purpose shall not be construed as an offence under this section.

Carrying cattle to grazing filed or for agricultural work within the particular local area shall not be consider as an offence under this section.

7. No person shall purchase, sell or otherwise dispose of or cause to be purchased, sold or otherwise disposed of, cattle for slaughter or knowing or having reason to believe that such cattle shall be slaughtered. Prohibition of sale or purchase.

8. Notwithstanding anything contained in any other law for the time being in force, no person shall possess, sale or transport for sale or cause to be sold or transported beef or beef products in any form except for such medicinal purposes as may be prescribed. Prohibition of possession, sale or transport of beef and beef products

9.(1)Whosoever contravenes or attempts to contravene or abets the contravention of the provisions of this Chapter shall be punishable with imprisonment for a term three year which extend to seven years or with fine which may extend to three lakh rupees or with both. Penalty.

(2) Whoever after conviction of an offence under the provisions of this Act is again found to be guilty of any offence under the provisions, shall be punished with double the punishment provided for the said offence of the second and subsequent conviction.

10. (1) Whoever causes bodily pain, disease or infirmity to any cattle is said to cause hurt. Punishment for causing hurt.

(2)Whoever intentionally causes hurt to any cattle shall, on conviction, be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

(3)Whoever abets the commission of any offence under sub-section (2), shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided for the said offence.

11. (1) Whoever intentionally causes grievous injuries to any cattle shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but may extend to seven years and with fine which may extend to one lakh rupees. Punishment for grievous injuries to any cattle

Explanation: For the purpose of this section grievous injury shall include :-

- (i) permanent privation of sight of either eyes,
- (ii) permanent privation of the hearing of either ear,
- (iii) privation of any member or joint,
- (iv) fracture or dislocation of a bone or tooth,
- (v) any hurt that endangers life or which causes the sufferer severe bodily pain and ultimately renders unfit or unserviceable.

(2) Whoever abets the commission of an offence under sub-section (1) shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided for the said offence.

12. (1) The Aayog shall consist of the following persons namely:-

Constitution of the Aayog

(a) one person having special knowledge or practical experience in welfare of cattle shall be nominated by the Government as Chairpersons of Aayog.

(b) one non-official member having special knowledge or practical experience in welfare of cattle to be nominated as vice chairperson by the Government.

(c) Nominated Members of the Aayog shall be as follows :-

(i) One representative nominated by Animal Welfare Board of India.

(ii) Two persons actively engaged in Gouseva nominated by the Government.

(iii) Three persons having knowledge in Ayurveda, Panchagavya and Organize Farming nominated by the Government.

(iv) Five representative to be nominated by the Government in consultation with/on recommendation of the Chairperson of the Aayog, from amongst of the Gaushalas, Animal Welfare NGOs, Dairy Co-operative, Goushala Federation or Association.

(d) The Government shall appoint an officer not below the rank of Joint Secretary as the Secretary of the Aayog.

13. Subject to such rules as may be made by the Government in this behalf, the Aayog may appoint such number of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Government .

Employees of the Aayog.

14. The Funds of the Aayog shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests and gifts.

Funds of the Aayog.

15. The Aayog shall perform the following functions, namely,:-

Functions of the Aayog.

(i) supervise and ensure proper implementation of the rules with respect to preservation of cattle

(ii) to advise the government for welfare of cattle and work for development of all indigenous species of cattle;

(iii) work for the scientific use of dung and urine of Uneconomic Cattle and work for development of all indigenous species of cattle

(iv) formation or establishment of pinjrapoles, rescue homes, animal shelters, sanctuaries and the like where cattle may find a shelter when they have become old and useless or when they need protection;

(v) work for promotion of and assistance to Gaushalas or Gosadans and Activate defunct Goshalas and encourage for founding treatment centres for the welfare of Cattle;

(vi) to assist in the working and functioning of the Goshalas, established and run by the voluntary organizations, for the purposes of providing financial assistance, training in the field of scientific rearing of various breeds of cattle as also for the proper utilization of dwelling and urine of the cattle for agriculture and domestic, including propagation and use of bio-gas plant based on the dung of cattle;

(vii) exercise supervision over Gaushalas and Gosadans to check malafide diversion of funds provide⁹ by the commission as also of the lands or properties belonging to the Goushalas or Sosadans and other voluntary organizations, and bring to the notice of the State Government specific instances for appropriate action;

(viii) develop pastures and associates with other institutions and bodies, whether private or public, for the said purposes;

(ix) apply for and obtain tracts of land from the Government or other persons by way of allotment, gift, lease or purchase for the purposes of developing pastures of growing fodder, establishing fodder banks, Goshalas and such other constructions there on as may be necessary for the purpose of this Act ;

(x) Educate , campaign and make people aware about the economic benefits which can be derived out of cattle, in co-ordination with Nationalised Banks and Institutions;

(xi) Procure fodder and make available for use of cattle in the areas affected by famine, drought or other natural calamities and to set up camps for the aforesaid purposes in the affected areas;

(xii) Work in collaboration with Agriculture and Veterinary Universities or the organizations of the Central / State Governments engaged in the task of research in the fields of breeding and rearing cattle and organic manure/Bio-Gas and also collaborate with research projects of Indian System of Medicine like Ayurvedic and Panchagavya conducted by various public or private organizations for conducting research on the Biogenic products of the cow for medicinal purposes;

(xiii) Promote schemes to encourage more and more use of organic manure and recommend to the Government suitable measures including incentive schemes for use of dung or urine of cattle in organic manure by farmers to minimize the use of chemical fertilizers;

(xiv) Formulate and submit schemes for consideration of the Government for the establishment of cottage industries in the rural areas, based on biogas product of cattle as also based on skins, hides or bones of the naturally dead cattle for the purposes of manufacture of various products;

(xv) Take in to custody the abandoned, stray, rescued, confiscated or seized cattle from the concerned local bodies, other competent authorities or courts after due authorization in accordance with law in force, for the time being and maintain them or get them maintained properly;

(xvi) Organize demonstrations, meetings and seminars pertaining to development of indigenous species of cattle, organic farming, developed bullock driven agricultural implements and carts and arrange for publicity and extension programmes regarding benefits from the cattle through all medias like Television, Radio, Newspapers and also shall publish advertisements, Books, journals, audio and video clips, newsletters etc;

(xvii) Examine any other matter that may be referred to it by the government and submit its report thereon;

16. The Aayog may, subject to the previous approval of the Central Government make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

Power of Ayog to make regulations

17.(1) For the purpose of this Act a Police Officer not below the Rank of Sub-Inspector or the Competent Authority or person authorized in writing in that behalf by the competent authority (hereinafter in this section referred to as "the authorized person") shall have power to enter and search any premises where the Competent Authority or he authorized person has reason to believe that an offence under this Act has been, or is likely to be committed.

Power of search, seizure and arrest.

(2) Every person in occupation of such place shall allow the Competent Authority or the authorized person such as access to that Premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or the authorized person.

(3) The Competent Authority or any person authorized in writing in that behalf by the Competent Authority, or any Police Officer not below the Rank of Sub-Inspector, as the case may be, if of the opinion that an offence under this Act has been committed or is likely to be committed, may seize any materials or carcasses or cattle or vehicle or conveyance, which have been or likely to be used in commission of the offence, from the premises so inspected and may detain or arrest any person suspected to have committed such offence.

(4) After the seizure under sub-section (3), he shall report such seizure, without unreasonable delay before the Judicial Magistrate or Court having jurisdiction to try the offence.

(5) On receipt of the report, records relating to premises and materials used or intended to be used in the commission of the offence, the Magistrate or may on his being satisfied that an offence has been committed or intended to be committed under this Act, may release the materials including vehicle except cattle on production of a Bank guarantee equal to the value as estimated by him pending disposal of the criminal proceedings instituted in respect of the alleged offence, and on the execution of Bank guarantee by the owner thereof of a bond for the production of the property so released as and when so required before the magistrate having jurisdiction to try the offence on account of which the seizure had been made.

(6) On conviction, the vehicle or any conveyance or bank guarantee so furnished and cattle so seized under this Act shall stand forfeited in the manner as may be prescribed.

(7) For the purpose of enforcing the provisions of this Act; the Competent Authority or the authorized person, in exercising the powers of search, seizure and arrest under this section, follow, as far as may be, the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023.

18. The Government may, for the purpose of speedy disposal of disputes under this Act by notification, designate any Court as the Special Court for one or more districts.

Constitution of
Special Court

19. Any person aggrieved by any order passed under section 7 may, within thirty days from the date of receipt of such order appeal to the Sessions Judge having jurisdiction over the area in which the property to which such order relates has been seized.

Appeals.

20. Whoever abets any offence punishable under this Act or attempts to commit any such offence, shall be punished with the punishment provided in this Act for such an offence.

Abetment.

21. Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 an offence punishable under this Act shall be cognizable and non-bailable.

Offences to be
cognizable and non-
bailable.

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

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

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

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

24. (1) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution provides that the State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breed, and prohibiting the slaughter of cows and its progeny. It may be observed that article 48 casts a duty upon the Government to prohibit slaughter of cows and progeny.

Cow and its progeny are the mainstay of agriculture and rural economy of the country. Cows are considered sacred in our tradition and there is a good reason for that. Its milk is beneficial and nutritious for children and the sick persons. It serves the nation in many fields of life.

However it is a fact that cow is subjected to cruelty and atrocity. It is in the interest of the nation to take effective steps to prevent cruelty to cows by prohibiting slaughter of cows, which is the extreme form of cruelty. It is, therefore, necessary to have legislation not only for banning slaughter of cow but also for providing protection, shelter and care to cow and its progeny in the country.

The Bill seeks to provide for establishment of cow shelters for taking care of stray and abandoned cows and for prohibition of slaughter of cow and its progeny in the country.

Hence this Bill.

NEW DELHI;

BHARTRUHARI MAHTAB

November 7, 2024.

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides for Constitution of the Aayog and appointment of officers and staff for the Aayog. Clause 14 requires the Central Government to provide, requisite funds for carrying out the purposes of this legislation. The Bill, if enacted, will involve expenditure recurring and non-recurring from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure which is likely to be incurred at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 180 of 2024

A Bill to provide for certain measures to be undertaken by the Central and the State Governments for the welfare of specially abled children 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 Specially Abled Children (Welfare) Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

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

(i) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) “child” means a boy or girl who is below the age of eighteen years;

(iii) “Committee” means the Residential Schools Management Committee constituted by the appropriate Government under section 6;

(iv) “prescribed” means prescribed by rules made under this Act.

(v) “residential school” means an institution or home which is run by private or Government aid for the education and protection of specially abled children; and

(vi) “specially abled child” means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

Census for specially Abled children.

3. The appropriate Government shall from time to time hold, within its jurisdiction, a census for collecting all relevant data relating to specially abled children.

Setting up of residential Schools and providing Education and employment to specially abled children.

4. The appropriate Government shall,—

(i) establish residential school for specially abled children in every district;

(ii) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost;

(iii) provide job oriented professional education and training for self-employment to specially abled children after they complete their school education according to their capability; and

(iv) pay subsistence allowance or financial assistance to such specially abled children as are not able to earn livelihood.

Monthly allowance to the guardian or caretaker of the specially abled children

5. The appropriate Government shall provide such monthly allowance to the guardian or caretaker of every specially abled child for his livelihood, healthcare and treatment, as may be prescribed.

Residential Schools Management Committee.

6.(1) The appropriate Government shall set up a local Committee in every district to be known as the Residential Schools Management Committee to look into issues relating to admissions specially abled children and management of residential schools for the purpose.

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and

(b) not more than five members, of whom at least two members shall be women, from amongst the persons living in that district and have knowledge in the field of child welfare to be nominated by the Chairperson

Facilities to be provided in residential schools.

7. The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee.

8. (1) The appropriate Government shall appoint—

(i) well trained teachers who have experience of teaching specially abled children and of addressing their special needs; and

(ii) such administrative personnel for better management of residential schools as it may be deem necessary.

(2) The salaries and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

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

Central Government to provide funds.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

The number of specially abled children is continuously increasing in the country. They become specially and physically dependent due to mental retardation. The families of specially abled children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of specially abled children in the country. The specially abled children and their families bear this torture without any fault of theirs. The families are forced to bear the unbearable cost of care and health services for specially abled children. Several guardians disown these children considered as burden on the family and leave them alone on bus stands, railway stations, temples and masjids for begging. Anti-social elements take advantage of this situation. Several welfare institutions for the specially abled children in the country are facing difficulty in keeping them under their protection after their having attained eighteen years of age. They need more protection and support at this point of their age. Therefore, the Governments should come forward for welfare of specially abled children and take care of their life and livelihood. The provisions of financial assistance to the guardians or caretakers will help them to bring these specially abled children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of specially abled children and provide protection to them in order to remove their dependence on social institutions in view of their plight. The provision for affording an opportunity to specially abled children to live with pride is expected to be made by the Government.

Therefore, it is extremely necessary to provide for the welfare measures of specially abled children in the country.

Hence this Bill.

NEW DELHI;
November 7, 2024

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that a child census may be conducted to collect all relevant data of specially abled children. Clause 4 provides for setting up of residential schools to impart education and training to specially abled children. Clause 5 provides for monthly allowance to the guardian/caretaker of the specially abled children. Clause 6 provides for setting up of a Residential School Management Committee in every district. Clause 7 provides for appointment of teachers and non-teaching staff along with all basic facilities in residential schools. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union Territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 193 of 2024

A Bill to regulate the creation and use of deepfake technology, ensuring legal boundaries for its application and for matters connected therewith.

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 Regulation of Deep Fake Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

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

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

(b) “consent” means voluntary and wilful agreement, either in writing or orally, by a person in a sound state of body and mind and of legal age, without any coercion, fraud or error and not obtained under any duress or fear;

(c) “Deepfake” means an electronic image or photograph, audio recording, video recording, motion picture film, multimedia, or any technological representation of speech or conduct substantially derivative thereof of an AI-generated content where it appears to be authentically depict any speech, image or conduct of a person who did not undertake in such a speech or conduct or with the intent to convincingly and deceptively depict subjects or issues or represent individuals engaging in actions, making statements, or being in circumstances that did not occur or exist in reality;

(d) “digital content forgery” means the act of utilization of technologies, such as artificial intelligence and machine learning methodologies, to create or alter audio, visual, or textual content with the purpose of deceiving;

(e) “digital watermark” means the act of embedding information that is intended to be difficult to remove into an output, including an output such as text, an image, an audio, a video, software code, or any other digital content or data, for the purposes of verifying the authenticity of the output or the identity or characteristics of its provenance, modifications, or conveyance and thereby preventing unauthorized use or manipulation;

(f) “intermediary”, means any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes;

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

(h) “social media intermediaries” means digital platforms which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access digital content using its services within a virtual community; and

(i) “Task Force” means the Deepfake Task Force established under section 4.

Recognition of creation and sharing of deepfake(s) as a criminal offence.

3. Any person, who creates, distributes, disseminates or shares deepfake(s) without the consent of the individual(s) involved or without digital watermark, as defined under this Act, —

(a) with the intent to humiliate or otherwise harass the person falsely exhibited, provided that the advanced technological false personation record contains sexual content of a visual nature and appears to feature such person engaging in such sexual acts or in a state of nudity;

(b) with the intent to cause violence or physical harm, incite armed or diplomatic conflict, or interfere in an official proceeding, including elections, provided that the advanced technological false personation record poses a credible threat of instigating or advancing such actions; and

(c) in the course of criminal conduct related to fraud, false personation, or identity theft, shall be guilty of a criminal offence.

Establishment of Deepfake Task Force.

4. (1) The Central Government shall, by notification in the official Gazette within six months from the date of commencement of this Act, establish a Deepfake Task Force for carrying out the purposes of this Act.

(2) The Task Force shall consist of a Chairperson and such other members, as may be prescribed.

(3) The qualifications and experience, term of office, salaries, remuneration and other allowances payable to and other terms and conditions of service of the Chairperson and members, shall be such as may be prescribed.

5. The Task Force shall,—

Functions of the Task Force.

(a) assist the Central Government to combat the national security implications of deepfakes;

(b) evaluate the prevalence of deepfake(s) affecting the citizens, businesses in India and the functioning of the Central and State Government;

(c) conduct appropriate research and develop technologies to detect, or otherwise counter and combat, deepfakes and other advanced image manipulation methods and distinguish such deepfakes or related forgeries from legitimate audiovisual recordings or visual depictions of actual events;

(d) provide support, both administrative and scientific, to other Federal entities researching such technologies;

(e) evaluate the risks, encompassing privacy concerns, linked to the utilization of digital content forgery and deepfake(s) within India;

(f) evaluate the influence of digital content forgery and deepfake(s) on civic participation, including the electorate;

(g) determine and recommend the extent of penalties to be imposed on offences under the Act on a case-to-case basis;

(h) evaluate the feasibility of incorporation of blockchain technology to monitor and verify the authenticity of digital content circulated in public domain to ensure a secure and tamper-proof validation process; and

(i) facilitate discussion and appropriate cooperation between the Central and State Government and relevant private sector technology enterprises or other non-governmental entities, including academic and research institutions, regarding the identification of deepfakes or other advanced image manipulation methods.

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Fund or “Combating Deepfakes or Other Advanced Image Manipulation Methods” to which the Central Government and State Governments concerned shall contribute every year in such ratio as may be prescribed.

Establishment of Combating Deepfakes or other advanced image manipulation methods Fund.

(2) The Fund shall be utilized to fund private sector companies for the purposes of combating deepfakes or other advanced image manipulation methods.

7. (1) No later than one year after the enactment of this Act, the Central Government, in coordination with the State government, shall start a public education campaign to raise awareness about synthetic content and synthetically-modified content, including deepfakes.

Public Education Campaign on Deepfake.

(2) This campaign under sub-section (1) shall include,—

(a) detection and identification— Informing the public about technologies available for identifying synthetic content and the use of digital watermarks; and

(b) content provenance— Educating about the importance of content provenance and the role of digital watermarking in verifying the authenticity of digital content.

8. Any person or entity who, using any means or facility of interstate or foreign commerce, generates a technologically advanced deceptive impersonation record of audio, visual or audio-visual nature, with the intention of disseminating it over the internet or knowledge that such record shall be so distributed, shall ensure that—

Disclosure.

(a) such record adheres to the requirement of digital watermark; or

(b) prior consent from the rights holder for hosting, or sharing of such record is obtained.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

Act to have
overriding
effect.

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

Power to make
rules.

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

(2) Every rule made 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

With advancements in artificial intelligence and deep learning, deepfake technology has emerged as a significant tool for media manipulation. While the technology has potential applications in education, entertainment, and creative fields, it also poses severe risks when misused—threatening individual privacy, national security, and public trust. Misuse of deepfakes for harassment, deception, and misinformation has escalated, creating urgent need for regulatory safeguards. The proposed Bill seeks to establish a clear legal framework to govern the creation, distribution and application of deepfakes in India.

The Bill aims to protect citizens by mandating prior consent from individuals depicted in deepfake content and requiring the use of digital watermarks for traceability and authenticity. It establishes the *Deepfake Task Force*, a dedicated body to combat national security implications and evaluate the influence of deepfakes on privacy, civic participation, and potential election interference. The Task Force will collaborate with the private sector and academic institutions to develop technologies that detect and verify manipulated content, promoting trustworthiness in digital media.

Furthermore, the Bill proposes the establishment of a fund to support public and private sector initiatives in the detection and deterrence of advanced image manipulation. In ensuring the use of blockchain and other verification technologies, this fund will enhance, secure and tamper-proof validation processes for digital content circulated in the public domain.

In line with its commitment to data protection, transparency, and accountability, the bill also provides penalties for offenders creating or disseminating deepfake content with malicious intent, ensuring legal deterrence against misuse. This bill seeks to balance innovation with responsible use, aiming to safeguard individuals and democratic processes in an increasingly digital world.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHRIKANT EKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of Deepfake Task Force by the Central Government for carrying out the purposes of this Act. Clause 6 provides for the Central Government to establish Fund to be known as the Fund for Combating Deepfakes and Other Advanced Image Manipulation Methods. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would be involved from the Consolidated Fund of India .

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 198 of 2024

A Bill to provide for constitution of a National Board for the rehabilitation and financial assistance to the victims of natural calamities and for matters connected therewith.

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

1.(1) This Act may be called National Board for Combating Natural Calamity and Welfare for Natural Calamity Victims Act, 2024.

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

Short title and
commencement.

Definitions.

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

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

(b) “Board” means the National Board for Combating Natural Calamity and Welfare for Natural Calamity Victims established under section 3;

(c) “natural calamity” includes flood, lightning, thunder, tsunami, storm, hailstorm, duststorm, cyclone, cloud burst, high tide flooding, drought, landslide, earthquake, wildfire, tornado, heat wave, winterstorm, avalanche, cold waves, coastal erosion, sinkholes, sea level rise displacement, glaciers decline induced disasters, ice sheets decline induced disasters, downburst, storm drain induced disaster, urban flooding or any other natural disasters that has not covered under the section or such other conditions as may be notified by the appropriate Government from time to time;

(d) “prescribed” means prescribed by the rules made under this Act; and,

(e) “victim” means a person who has suffered any physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity and includes, in the case of death of such victim due to natural calamity, his family members.

Establishment of
a Board.

3. (1) **The Central Government shall, as soon as may be, but within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the National Board for Combating Natural Calamity and Welfare for Natural Calamity Victims for carrying out the purposes of this Act.**

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

(3) The headquarters of the Board shall be at New Delhi and its regional offices shall be located in the capital of each State and Union territory.

(4) Each State shall establish sub-offices in areas identified as highly susceptible to natural calamities:

(5) The Board shall consist of:—

(i) a Chairperson, a Deputy Chairperson and other members to be appointed by the Central Government in such manner as may be prescribed; and

(ii) not more than one representative from each State and Union territory to be nominated by the respective State Government and Union territory Administration in such manner as may be prescribed.

(6) **The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.**

(7) **The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members, officers and staff of the Board shall be such as may be prescribed.**

(8) The Board shall comply with such directions as may, from time to time, be given to it by the Central Government.

(9) The Board shall meet at such place and observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed.

Functions of the
Board.

4. (1) **The Board shall discharge such functions as may be necessary for the protection and rehabilitation of victims of natural calamities under this Act.**

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Board may also provide for:—

(a) identifying areas in every State which are prone to natural calamities;

(b) making a detailed study and analysis of natural calamities caused in the past in the different regions and areas of the country and identify areas in every State and Union territory which are prone to natural calamity;

(c) suggesting policy with regard to construction of houses and commercial establishments near the area affected by natural calamities in the past;

(d) making provision for providing permanent shelters capable of withstanding the severity and intensity of the inhabitants of identified in the natural calamities prone areas;

(e) installing a natural calamity forecasting systems to alert the persons of flood prone areas;

(f) making provision of food, drinking water and other necessities in flood affected areas during floods in such manner as may be prescribed;

(g) making provision for transport and other rescue materials for the rescue of persons in the natural calamities prone areas or the affected areas;

(h) making recommendations to the Central Government for minimizing the loss of lives and properties in natural calamities affected and natural calamities prone areas;

(i) keeping perpetual surveillance, carrying out inspections and monitoring rescue operations during a natural calamity; and

(j) determining the terms and amount of compensation payable to victims.

5. (1) The Board shall devise and implement a structured procedure for identifying victims of natural calamities under this Act.

Identification
of Victims
of Natural
Calamities.

(2) For the purposes of this Act, the identification procedure shall encompass the following criteria:

(a) assessment of harm including a comprehensive assessment of bodily harm, property damage, or disruption to livelihood directly attributed to a natural calamity;

(b) documentation and verification including gathering and verifying documentary evidence supporting the claim of damage, which may include loss of property, livestock, crops, or income; and

(c) eligibility of family members in cases where the natural calamity results in loss of life, the family members of the deceased shall be deemed eligible for benefits under this Act.

(3) The Board may coordinate with State and local authorities to ensure timely and precise identification of victims in affected regions.

6. The victim of natural calamity shall be provided with the following financial assistance and other benefits:—

Financial
Assistance.

(a) in case of loss of life,—

(i) financial assistance in the form of a compensation of not less than seven lakh rupees to be given to the next of the kin of the deceased; and

(ii) suitable employment to be provided to one of the dependants of the deceased;

(b) in case of severe injury, —

(i) medical treatment free of cost; and

(ii) such financial assistance as, in the opinion of the Board, is necessary for his rehabilitation, subject to the limit of a minimum amount of rupees one lakh and maximum amount of rupees three lakh;

(c) in case of damage to the dwelling unit, victim to be provided with such financial assistance as is required for the repair or reconstruction of the damaged dwelling unit;

(d) in case of irreparable damage to the cultivable land, victim to be provided with cultivable land of equal area at a reasonable distance from the place of his residence;

(e) in case of damage to the standing crops, victim to be given compensation in proportion to the losses suffered by him; and

(f) in case of loss of livestock, victim to be given adequate financial assistance in proportion to the losses suffered by him.

Payment of
Compensation.

7. (1) The Board shall pay the compensation to the applicant within a period of fifteen days from the date of determination of compensation, failing which an interest at the rate of eighteen per cent. per annum shall be paid to him.

(2) The Board shall be at liberty to recover the interest part from the officer responsible for delay in payment of compensation.

Payment of
interest for delay
in payment of
compensation.

8. (1) The Board shall disburse the compensation to the applicant within a period of fifteen days from the date on which the compensation is determined. In the event of a delay beyond this period, interest at the rate of eighteen per cent per annum shall accrue and be payable to the applicant.

(2) The Board shall have the discretion to recover the interest amount from the officer deemed responsible for the delay in the payment of compensation.

Victims
of Natural
Calamities Fund.

9. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Fund for Victims of Natural Calamities to which the Central Government and State Governments concerned shall contribute every year in such ratio as may be prescribed.

(2) The Fund shall be administered by the Board.

(3) The fund shall be utilized for payment of compensation to the victims of the natural calamities.

Compensation
Claims Tribunal.

10. (1) The Central Government may, by notification in the Official Gazette, constitute one or more Compensation Claims Tribunals for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of the death of, or bodily injury to, persons by natural calamities.

(2) The Claims Tribunal shall consist of such number of members as the Central Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the chairperson thereof.

(3) A person shall not be qualified for appointment as a member of Claims Tribunal unless he—

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a Judge of a High Court.

Shelter in case
of destruction
of house and
property.

11. The Central Government shall, in consultation with the concerned State Government, provide to every family, whose house and property have been destroyed by natural calamities a dwelling unit either at the same place or at any other place earmarked for rehabilitation by Central or by the concerned State Government.

Appropriate
Government to
implement the
recommendations
of the Board.

12. The appropriate Government shall be obligated to implement the recommendations of the Board in full, without undue delay, as provided under this Act.

Annual Report.

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

(2) The Central Government shall cause the annual report to be laid before each House of Parliament.

Central
Government to
provide requisite
funds.

14. The Central Government shall, after due appropriation made by the Parliament by law in this behalf provide to the Board requisite funds every year for the effective implementation of this Act.

15. This Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

16. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special 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 the removal of the difficulty:

Power to remove difficulties.

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

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

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

India, a country frequently grappling with the devastating effects of natural calamities such as floods, droughts, cyclones, earthquakes, and landslides, necessitates a robust and comprehensive framework to address the challenges posed by these events. The proposed Compensation for the Victims of Natural Calamities (Financial Relief and Rehabilitation) Bill, 2024, aims to establish a dedicated national body to effectively coordinate relief and rehabilitation efforts, minimize loss of life and property, and expedite the recovery process.

The proposed National Board for Combating Natural Calamity and Welfare for Natural Calamity Victims will play a pivotal role in identifying vulnerable regions, developing comprehensive risk mitigation strategies, and overseeing the implementation of effective relief and rehabilitation measures. By providing timely financial assistance to victims, including compensation for loss of life, property damage, and livelihood restoration, the Board will help affected individuals and communities rebuild their lives. Furthermore, the Board will facilitate the reconstruction of damaged infrastructure, housing, and livelihoods, ensuring a sustainable recovery process.

To ensure accountability and transparency, the Bill also emphasizes the importance of monitoring and evaluation. The Board will be responsible for tracking the implementation of relief and rehabilitation measures, assessing their impact, and identifying areas for improvement. This will enable the government to learn from past experiences and refine its response strategies for future calamities.

By establishing this dedicated national body, the Government aims to strengthen India's resilience to natural calamities, safeguarding the well-being of its citizens and ensuring a sustainable future for all.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHRIKANT EKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Board for Combating Natural Calamity and Welfare for Natural Calamity Victims. It further provides that the Central Government shall provide officers and staff to the Board. It also provides for salaries and allowances to be paid to the Chairperson, Deputy Chairperson, other Members and Officers and Staff of the Board. Clause 10 provides for the Constitution of one or more Compensation Claims Tribunals which shall consist of such members as the Central Government may think fit to appoint. Clause 11 provides that the Central Government shall in consultation with concerned State Governments provide a dwelling unit to every family whose house or property has been destroyed by natural calamity. Clause 14 provides for the Central Government to provide requisite funds. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees two hundred crore would be involved as recurring expenditure per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, therefore, the delegation of legislative power is of a normal character.

Bill No. 252 of 2024

A Bill to protect cows and their progeny, promote indigenous cow breeds and establish a framework for their care and welfare and for matters connected therewith.

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 Welfare and Protection of Cow Act, 2024.

Short title and
commencement.

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

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

Definitions.

(a) “Board” means the Cow Protection Board constituted under section 3;

(b) “cow” includes a bull, bullock, ox, heifer or calf;

(c) “gaushala” means a shelter home or building with facilities of fodder, water shed and medical aid for cows;

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

(e) “stray cow” means cow its progeny, bulls and bullocks left unattended or abandoned by the gau palak or farmers in public places.

Constitution
of the Cow
Protection
Board.

3. (1) The Central Government shall, by notification in the official Gazette, constitute a Board to be known as the Cow Protection Board.

(2) The Board shall consist of a Chairperson and such other members to be appointed by the Central Government in such manner as may be prescribed.

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

(4) The Board shall have its offices in the capital of each State and Union territory.

(5) The Central Government shall appoint such number of officers and staff as may be deemed necessary for the efficient functioning of the Board.

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

Functions of the
board.

4. The Board shall —

(a) construct gaushalas in every village, tehsil and district for taking of care of stray cows;

(b) link the setting up of gaushalas with Mahatma Gandhi National Rural Employment Guarantee Act, 2005, to ensure employment in the villages;

(c) undertake such other steps as may be assigned to it by the Central Government for carrying out the purposes of this Act;

(d) conduct a survey once in every year for five years to assess the number of stray cows in the country;

(e) establish a cow promotion centre (cow hostel) in every village for protection of stray cows with the facility of proper cleaning, fodder, water, breed improvement;

(f) make arrangements for the collection of cow urine, panchgavya products and installation of gohar gas plants;

(g) establish breed improvement centre for Tharparkar, Gir, Sahiwal and Gangatiri breed of cows;

(h) encourage fodder for urea exchange system among the farmers; and

(i) establish cow sanctuaries through water conservation, plantation and pasture on the basis of public partnership by the Forest Department of the State Government concerned on the open and vacant land.

Central
Government
to provide
requisite funds.

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

Central
Government
to give
directions to
the State
Governments.

6. The Central Government may give such directions to the State Governments as may appear it to be necessary for carrying out the purposes of this Act.

Annual Report.

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

(2) The Central Government shall cause the annual report to be laid before each House of Parliament.

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

Power to
make rules.

(2) Every rule made 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 holds a unique cultural, economic, and environmental relationship with cattle, especially cows, which have historically served as integral to rural livelihoods and agriculture. However, in recent years, the increase in stray cattle, particularly cows, has become a growing challenge, impacting rural economies, creating management issues for local authorities, and leading to a decline in indigenous cow breeds. Recognizing the need to protect cows and their progeny, promote indigenous breeds, and establish structured welfare measures, the Welfare and Protection of Cow Bill, 2024, aims to create a sustainable framework for their care and preservation.

The proposed bill seeks to establish the Indigenous Cow Protection Board, which will work to set up and maintain facilities such as gaushalas and cow promotion centres in villages across India. By linking these initiatives with employment schemes like the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, the bill aims to address local employment needs while fostering cow welfare and management at a grassroots level. The Board will also implement measures to improve indigenous breeds like Tharparkar, Gir, Sahiwal, and Gangatiri, contributing to biodiversity and reinforcing the agricultural ecosystem with breeds suited to India's climate.

Additionally, the bill promotes the use of cow-based products, including manure and cow urine, to support chemical-free agriculture, thereby encouraging sustainable farming practices that benefit both human and environmental health. To incentivize local engagement, the bill proposes monetary awards for Gram Panchayats that successfully manage stray cattle within their jurisdiction.

The provision for a dedicated fund, along with the power to issue directions to State Governments, underscores the Central Government's commitment to this cause. This bill thus represents a holistic approach to cow protection, indigenous breed promotion and rural welfare through sustainable practices, preserving a significant element of India's agrarian and cultural heritage.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHRIKANT EKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Board for the protection of cow. Clause 4 provides that the Board shall set up gaushalas in every village, tehsil and district. Clause 5 provides that the Central Government shall provide requisite funds to the State Governments for carrying out purposes of this Act. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two hundred crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the 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. 157 of 2024

A Bill to provide certain facilities at work place to female employees during menstruation 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 Menstrual Benefits Act, 2024.

Short title and
commencement.

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

2. It applies, in the first instances,—

Application of
the Act.

(a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(b) to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed, or were employed, on any day of the preceding twelve months:

Provided that the State Government may, with the approval of the Central Government, after giving not less than month's notice of its intention of so doing, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise;

(c) to every woman who is self-employed or working in the unorganized sector or in establishments where less than ten persons are employed.

Definitions.

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

(a) “appropriate Government” means, in relation to an establishment being a mine, or an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, the Central Government and in relation to any other establishment, the State Government;

(b) “establishment” means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(v) a shop or establishment; or

(vi) as establishment to which the provisions of this Act have been declared under section 2 to be applicable;

(c) “menstrual benefit” means the benefits referred to in section 4;

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

(e) “wages” means all remuneration paid or payable in cash to woman, if the terms of the contract of employment, express or implied, were fulfilled and includes—

(1) such cash allowances (including dearness allowance and house rent allowance) as a woman is for the time being entitled to;

(2) incentive bonus woman; and

(3) the money value of the concessional supply of foodgrains and other articles, but does not include—

(i) any bonus other than incentive bonus;

(ii) over-time earnings and any deduction or payment made on account of fines;

(iii) any contribution paid or payable by the employer to any pension fund or provident fund for the benefit of the woman under any law for the time being in force; and

(iv) any gratuity payable on the termination of service; and

(f) “woman” means a woman employed, whether directly or through any agency, for wages in any establishment of any student in or above class VII.

4. Every woman—

Right to payment of Menstrual Leave.

(a) who is working as an employee in any establishment registered with the appropriate Government; or

(b) who is a student in or above Class VII in any school recognized by the appropriate Government,

shall be entitled to paid leave or leave from the school, as the case may be, for four days during her menstruation:

Provided that if a woman employee undergoing menstruation opts to work instead of taking leave, she shall be paid overtime allowance at such rate and in such manner as may be prescribed.

5. Every woman employee working in the establishment during her menstruation shall be entitled to thirty minutes of rest period twice a day for not more than four days during menstruation in a month.

Regulation of working hours during Menstruation.

6. Every establishment having fifty or more employees shall have the facility of crèche within such distance as may be prescribed, either separately or along with common facilities.

Establishment to have crèche facility.

7. Every establishment shall intimate in writing and electronically to every woman at the time of her initial appointment regarding every benefit available under this Act.

Duty of establishment to inform the benefits.

8. Every woman shall have a right to self perception of her menstruation, in accordance with the provisions of this Act.

Recognition of Menstruation.

9. Notwithstanding anything contained in this Act, the Internal Complaints Committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 or similar Grievance Redressal Committees constituted within the establishment shall address the grievance pertaining to menstrual leave within the establishment.

Redressal.

10. Whoever,—

Punishment.

(a) denies leave to a woman during her menstruation; or

(b) obstructs a female employee from entitlement of menstrual leave; or

(c) denies or discontinues prescribed rest and recreation facilities to the women during her menstruation,

shall be punishable with imprisonment for a term which shall not be less than one month but which may extend upto three months and with fine which shall not be less than Rupees ten thousand but which may extend to fifty thousand Rupees.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Women, the biological equal half in the procreation of human beings, had been confined to just that for millenniums and even in that they had no autonomy. When they broke socio-cultural shackles and went on to govern countries, fight wars and excel in professions, these few exceptions were considered as enough representation. Society is content with the minimal representation of women in different spheres, even though they constitute half the population of the country. Women have been made vulnerable by the social construct of patriarchy, leading to their exclusion in every other social space. Unless we account for these inequalities and deconstruct patriarchal notions, we will fail in our constitutional mandate to ensure everyone's right to access justice.

There have been repeated calls in the country for additional labour law amendments to give female employees better working conditions. There has been a strong push for women to be entitled to paid leave during their periods, and the menstruation leave movement has gathered steam across the country. In addition, there have been requests for facilities for rest at work and for intermediate breaks during menstruation during the working day in India. Many women, the media, and civil society organizations have started talking about the challenges of menstruation and calling for paid time off.

According to a research conducted at University College London revealed that the menstrual cramping pain is as “almost as bad as having a heart attack”. Given the biological complexity of females and the intense pain they have to suffer, they shall have the right to be entitled with leave during menstruation. In addition, women are least productive in terms of job during the menstruation, specially on the first and the second day of the menstrual cycle due to unmanageable discomforts. Thus, it may not be much fruitful to the employers in terms of production. Therefore, with both the perspectives of the female employees as well as the employers, menstrual leave is desirable.

The Bill, therefore seeks to entitle female employees with paid menstrual leave for two days. It also seeks to provide better facilities for rest at the workplace during menstruation.

Hence this Bill.

NEW DELHI;
August 7, 2024

KADIYAM KAVYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 20 of 2025

to provide for the need based rehabilitation, protective and welfare measures by the Government for the abandoned, distressed, neglected, infirm and disowned widows and single women by providing financial assistance, pension, medical care, housing and other facilities through a Welfare Board to such widows and single women and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Abandoned Widows and Single Women (Protection, Rehabilitation and Welfare) Act, 2025.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

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

(a) “abandoned and disowned widow” means a widow who has been deserted or thrown out of household by her relatives to fend for herself and who has no means to support her and her dependent children, if any;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “Board” means the Abandoned Widows and Single Women Welfare Board established under section 3;

(d) “distressed” in relation to a widow and single women means any suffering widow or single woman who lives uncared for and has become infirm due to old age or chronic or incurable disease, physical deformity or mental imbalance and who has no independent and adequate means of livelihood for her and her dependent children, if any;

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

(f) “single woman” means a female adult human being who is either not married or divorced or judicially separated from her spouse for the purposes of this Act; and

(g) “widow” means a legally married women whose husband has died.

Establishment
of the
Abandoned
Widows and
Single women
Welfare Board.

3. (1) The Central Government, shall, as soon as may be, but within six months after the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Abandoned Widows and Single Women Welfare Board for carrying out the purposes of this Act.

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

(3) The head office of the Board shall be at Hyderabad in the State of Telangana and the Board shall establish its branches in all other States and Union Territories at conspicuous places as the Board may deem fit and necessary.

(4) The Board shall consist of:—

(a) the Minister of Women and Child Development of the Union Council of Ministers who shall be the *ex-officio* chairperson of the Board;

(b) a Deputy Chairperson, preferably a woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(c) one member representing single women with such qualification, as may be prescribed, to be appointed by the Central Government;

(d) five women Members of Parliament of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be nominated by the respective Presiding Officers of each House;

(e) five members representing Union Ministries of Home Affairs, Women and Child Development, Health and Family Welfare, Finance and Social Justice and Empowerment;

(f) not more than four members to be appointed by the Central Government in consultation with the Governments of the States, by rotation in alphabetical order, to represent the Governments of the States; and

(g) three members to be appointed by the Central Government from amongst the registered Non-Governmental Organisations (NGOs) working for the Welfare of abandoned widows or single women, as the case may be.

(5) The salary and allowances payable to, and other terms and conditions of the Deputy Chairperson and members shall be such as may be prescribed.

(6) The Board shall follow such procedure for holding its meetings and the quorum for such meetings shall be such, as may be prescribed.

(7) The Board shall have a Secretariat consisting of a Member Secretary and such number of officers, employees and establishments with such conditions of service, emoluments and perks, as may be prescribed or determined, from time to time, for the efficient functioning of the Secretariat of the Board.

4. (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote and implement such protective and welfare measures as it thinks appropriate, expedient, necessary and fit, including rehabilitation for the abandoned widows and single women who are in dire need of such measures.

Functions of the Board.

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

(a) maintain district-wise register of the abandoned, disowned and distressed widows and single women covered under this Act who are to be rehabilitated and are in need of assistance from the Board with such particulars and details and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow and single woman covered under this Act to assess her need for assistance in such manner as may be prescribed;

(c) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows and single women covered under this Act and implement them in right earnest;

(d) conduct a special survey of the abandoned and disowned widows subsisting on alms as beggars or forced to turn to prostitution and other means to support themselves and their dependents across the country or who are languishing in temples as Devdasis in various parts of the country and formulate appropriate rehabilitation and reuniting them with their families, programmes for such widows and single women in such manner as may be prescribed;

(e) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the widows and single women covered under this Act to avail them; and

(f) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

5. (1) With effect from such date, as the Central Government may deem fit, by notification in the official Gazette, specify in this behalf, shall establish a fund with initial corpus of rupee fifty thousand crore through due appropriation made by Parliament to be called the National Abandoned Widows and Single Women Rehabilitation and Welfare Fund to be operated by the Competent Authority in consultation with the Board in such manner, as may be prescribed.

Establishment of National Abandoned Widows and Single women Rehabilitation and Welfare Fund.

(2) The fund established under Sub-section (1) shall consist of all receipts from—

(a) The Central Government and Governments of the States and Union Territories and their institutions and organisations;

(b) Body Corporate, both of public and private sector and Banks and financial institutions both domestic and foreign; and

(c) Individuals, associations and others in the form of contributions or donations.

6. (1) On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows and single women covered under this Act, the following facilities, namely,—

(a) monthly subsistence allowance of not less than ten thousand rupees if the widow or the single woman, as the case may be, is having any dependent children and not less than five thousand rupees in case she has no children to support;

(b) residential accommodation free of cost wherever necessary;

(c) free medical care with medicines and with indoor and outdoor facilities as per the need;

(d) free education to the dependent children including higher, medical, engineering and education as per calibre;

(e) gainful employment as per the physical condition after imparting vocational training wherever possible;

(f) financial assistance for rehabilitation like self-employment wherever required;

(g) free legal aid in case the widow or single woman, as the case may be, has been thrown out or abandoned by her kith and kin; and

(h) such other facilities, as may be necessary for rehabilitation, welfare, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:

Provided that if, a widow or single woman, as the case may be, covered under this Act either gets married, remarried, gainfully employed or taken back by her kith and kin in the family, the facilities being provided to her shall be accordingly withdrawn by the appropriate Government.

(2) the costs incurred by the appropriate government on providing the facilities under this Act to the widows and single women covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 5.

7. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent, any widow or single woman covered under this Act shall,—

(a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be where such widow or single woman was last residing;

(b) be entitled to inherit the property or her share of jointly owned property from her in-laws or parents, as the case may be; and

(c) be entitled for maintenance from her in-laws or kith and kin who neglect or abandon the widow or single woman, as the case may be.

Facilities to be provided by the appropriate Government.

Protective provisions.

8. (1) The appropriate Government shall establish such number of hostels at conspicuous places in various parts of its territorial jurisdiction as it may deem necessary for board and lodging of abandoned and disowned and distressed widows and single women covered under this Act with necessary facilities of daily life as may be prescribed.

Establishment of hostels.

(2) The appropriate Government shall also provide necessary free medical aid and medicines and means of entertainment for the residents of the hostels established under sub-section (1):

Provided that residents of such old age homes shall not be entitled for subsistence allowance under this Act.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the States, Union Territories and the Board from time to time for carrying out the purposes of this Act.

Central Government to provide requisite funds.

10. The Board shall submit an Annual Report in such form and in such manner, as may be prescribed, of its activities in implementing the provisions of this Act to the President of India who shall cause the Report to be laid before both the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received.

Annual Report of the Board.

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

Power to remove difficulty.

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

Act to have overriding effect.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows and single women covered under this Act.

Act to supplement other laws.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Thousands of widows, most of them disowned and abandoned by their families, live in deplorable living conditions in our country. It is very common that when a widow does not have any permanent source of income or livelihood, she is driven out of her in-laws home or even from her parental home. Her position becomes more miserable, if she has dependent children to support and bring them up. Sometimes, the condition of such widows become miserable and their problems increase manifold due to poverty and other compelling reasons where they have no other option but to go for begging for survival and many such widows can be seen begging in the streets and public places. Several women who become widows in their youth, in particular in rural and far off areas, are not only sexually exploited by their known ones but also forced into prostitution many times. At some places they are branded as witches and tortured even by their own kith and kin or others from the community. In our society, even today they are treated as bad omen and are not allowed to attend or appear during auspicious occasions. Many of such widows work as housemaids and take up other jobs for survival. Some of them opt for not to marry because they have to support their families for various reasons such as to educate their siblings or for supporting families as there are no male breadwinners or for the treatment of ailing parents etc. It is very common that such women are deserted by their siblings once they get their education and settle in their lives. Then, there are those single women who are either deserted by their husbands or who are legally separated or divorced from their spouses. These women require need based rehabilitation, protection and other measures for their welfare and well-being.

Hence this Bill.

NEW DELHI;
December 16, 2024.

KADIYAM KAVYA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Abandoned Widows and Single Women Welfare Board. Clause 5 provides for the establishment of National Abandoned Widows and Single Women Rehabilitation and Welfare Fund with initial corpus of rupees fifty thousand crore to be provided by the Central Government. Clause 6 provides for financial assistance and other facilities for widows and single women. Clause 8 provides for establishment of hostels. Clause 9 makes it mandatory for the Central Government to provide requisite and adequate funds for carrying out the purposes of this Bill. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of rupees fifty thousand crore, it is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

A sum of rupees twenty thousand crore may also involve as non-recurring expenditure.

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 powers is of a normal character.

Bill No. 163 of 2024

A Bill further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

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 Narcotic Drugs and Psychotropic substances (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.

61 of 1985.

2. In section 31A of the Narcotic Drugs and Psychotropic Substances Act, 1985,—

Amendment
of section
31A.

(a) in the marginal heading the word “death” shall be omitted; and

(b) in sub-section (1), the words “or with death” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 31A was inserted into the Narcotic Drugs and Psychotropic Substances Act, 1985 to provide for capital punishment or 30 years of jail for repeat offenders on the discretion of the judge.

This section of the NDPS Act, 1985 has been of intense inquiry. It places judicial discretion as the highest form of authority in determining the extent of crimes of repeated offenders of drug trafficking. Drug trafficking does not fall into the narrow category of heinous crimes as stated in *Bachan Singh v. State of Punjab* when juxtaposed against murderers, and thus, capital punishment is constitutionally impermissible and against Article 21 of the Constitution.

It positions India against the United Nation's Convention on Psychotropic Substances of 1971, and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

Research pertaining of implications of death penalty shows no significant deterrence of crime/convicts. India has recorded 3,172 cases of drug trafficking in 2014-2022 as against 1,257 cases from 2006-2013, thus the insertion of Section 31(A)(1) has been unable to achieve the goal which it aimed to, deterring repeat offenders.

This section is unconstitutional and against the Right to Life and Liberty, it adds unnecessary attention to India's judicial system.

Hence this Bill.

NEW DELHI;
July 30, 2024

VISHNU DAYAL RAM

Bill No. 164 of 2024

*A Bill further to amend the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989.*

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 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) 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.

33 of 1989

2. In section 2 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in sub-section (1):—

Amendment
of section 2.

(a) after clause (bc), the following clause shall be inserted, namely:—

(bca) “electronic communication or any digital platform” means the use of any electronic communication device or any digital platform including but not limited to the internet, social media, emails, messaging applications or any other digital form of communication to convey information or messages”; and

(b) after clause (bf), the following clause shall be inserted, namely:—

(bfa) “otherwise harm” means causing damage or injury to a member of a Scheduled Caste or a Scheduled Tribe through actions or behaviours that impact his physical health, emotional well-being or personal reputation.”.

Amendment
of section 3.

3. In section 3 of the principal Act, in sub-section (1), after clause (zc), the following clause shall be inserted, namely:—

“(zd) uses electronic communication or any digital platform to threaten, harass, intimidate, defame or otherwise harm a member of a Scheduled Caste or a Scheduled Tribe, by acts of cyber bullying, online stalking, or dissemination of derogatory or offensive content,”.

STATEMENT OF OBJECTS AND REASONS

In recent years, there has been a significant rise in crimes against the Scheduled Castes (SCs) and the Scheduled Tribes (STs). In the year 2022, a total of 57,582 cases were reported for crimes against SCs, marking a 14.3 per cent increase from 50,900 cases in the year 2021. Similarly, crimes against STs saw a 14.3 per cent. rise, with 10,064 cases reported in the year 2022 compared to 8,802 in the year 2021. Additionally, cybercrimes has surged, with 65,893 cases registered in the year 2022 – an increase of 24.4 per cent from 52,974 cases in the year 2021. The crime rate per lakh population under this category rose from 3.9 in the year 2021 to 4.8 in the year 2022.

While the Information Technology Act, 2000 addresses various aspects of cybercrime, it does not specifically cater to the unique vulnerabilities of SCs and STs. Given that these communities are often at a disadvantage, it is crucial to introduce provisions within the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to address digital and electronic forms of abuse. The current provisions under the Act do not fully cover the spectrum of modern digital abuse.

The proposed Bill aims to amend the Act to include protections against digital harassment, which is increasingly targeting marginalized communities. By explicitly addressing digital forms of discrimination, we can offer more robust protections and ensure that perpetrators of such crimes are held accountable.

This amendment supports the broader goals of social justice and equality by addressing all forms of discrimination, including those facilitated through digital platforms. It will also enhance public awareness about the rights of SCs and STs and clarify the types of unacceptable and punishable behaviours under the law.

By incorporating provisions for digital communication and electronic platforms, it will significantly strengthen the parent Act and provide a more comprehensive shield against modern forms of harassment.

Hence this Bill.

NEW DELHI;
July 30, 2024

VISHNU DAYAL RAM

Bill No. 136 of 2025

*A Bill further to amend the Scheduled Tribes and Other Traditional Forest
Dwellers
(Recognition of Forest Rights) Act, 2006.*

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

1. (1) This Act may be called the Scheduled Tribes and Other Traditional
Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2025.

Short title and
commencement.

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

Amendment
of section 3.

2. In section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006,—

2 of 2007.

(a) in sub-section (1), for clause (i), the following clause shall be substituted, namely:—

“(i) rights to protect, regenerate, conserve, or manage any community forest resource, including but not limited to coastal and tidal commons such as mangroves, estuarine wetlands, littoral forests, and other marine ecosystems which they have been traditionally protecting and conserving for sustainable use;”;

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

“(ma) grant of mining leases or extraction rights in coastal and tidal regions traditionally used or occupied by forest-dwelling Scheduled Tribes and other traditional forest dwellers.”; and

(c) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that in the case of diversion of forest land in coastal and tidal regions for activities involving mineral extraction, industrial use, or infrastructure development, such diversion shall not be permitted unless the prior written consent of the Gram Sabha of the affected tribal communities is obtained after informing and duly recorded.”.

STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted to correct the historical injustice faced by forest-dwelling Scheduled Tribes and other traditional forest communities by recognizing their rights over forest lands and resources. While the Act provides a progressive legal framework for forest land tenure and the recognition of community forest rights, it does not adequately account for the ecological and cultural realities of coastal and tidal communities who have historically depended on marine and littoral ecosystems.

Tribal and forest-dwelling communities in coastal regions, such as those in Odisha and Andhra Pradesh, depend on mangroves, estuaries, intertidal zones, and other coastal commons for their livelihood and cultural survival. Similarly, inland tribal communities in Jharkhand remain deeply forest-dependent with over 70 per cent. of livelihood variation linked to forest reliance. However, these ecosystems fall into an administrative grey zone, as they are not explicitly included in the current definition of “community forest resource” under Section 3(1)(i) of the Act. As a result, such areas are vulnerable to unchecked industrial development and extractive mining activities, often without adequate consent from or compensation to the affected communities.

At the same time, India’s mining push, especially for critical minerals and coastal sand extraction, has intensified pressure on ecologically sensitive areas traditionally used by tribal communities. There is no clear legal requirement under the current Forest Rights Act to obtain prior consent from Gram Sabhas before granting mining leases in these zones, especially outside traditionally notified forests. This not only undermines the spirit of the Act but also exposes local communities to displacement, loss of livelihood, and ecological degradation. To take an example, the 2013 Niyamgiri case, where Gram Sabhas in Odisha unanimously rejected bauxite mining on tribal land, demonstrated how empowered local institutions can defend community rights, cultural heritage, and environmental integrity.

To address these urgent challenges, this Bill seeks to:—

- (i) explicitly include coastal and tidal commons, such as mangroves, estuarine wetlands, and littoral forests, within the definition of “community forest resource”.
- (ii) recognize that the grant of mining leases in coastal and tidal zones constitutes a form of forest land diversion.
- (iii) mandate the prior, informed, and written consent of the Gram Sabha before any diversion of such land for mineral extraction, industrial use, or infrastructure development.

These amendments align with the principle of Free, Prior, and Informed Consent (FPIC), which has been recognized in India’s own Forest Rights jurisprudence (*e.g.* Orissa Mining Corporation v. Ministry of Environment and Forests, 2013) and international conventions such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), to which India is a signatory.

The proposed amendments ensure that the legal protections extended to inland forest-dwelling communities are equally applicable to coastal and tidal forest-dependent communities. This will uphold environmental justice, promote inclusive development, and ensure that forest-dwelling communities are not disproportionately affected by extractive projects in ecologically sensitive areas.

Hence this Bill.

NEW DELHI;
July 10, 2025.

VISHNU DAYAL RAM

Bill No. 124 of 2024

A Bill further to amend the Aligarh Muslim University Act, 1920.

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 Aligarh Muslim University (Amendment) Act, 2024.

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

Short title and
commencement.

2. In section 12 of the Aligarh Muslim University Act, 1920, in sub-section (1), for the words, “University Mosque”, the words “University Mosque or the administrative blocks of the Special Centres” shall be substituted.

Amendment of
section 12.

STATEMENT OF OBJECTS AND REASONS

The Special Centres of the Aligarh Muslim University (AMU) were started in 2010. The special centres are satellite campuses of the AMU intended to address the higher educational needs of the muslim community. For this purpose, three locations were identified—Malappuram in the State of Kerala, Murshidabad in the State of West Bengal and Kishanganj in the State of Bihar.

This idea of establishing off campus centres was the first of its kind in India and therefore, no proto model *per se* was in existence. In tune with the suggestions from different sources, the proposal was drawn up on the strength of section 12 (2) of Aligarh Muslim University (Amendment) Act, 1981 which read as follows:-

“(2) The University may also, with the sanction of the Visitor and subject to the Statutes and Ordinances, establish and maintain such Special Centres, Specialised Laboratories or such other institutions for research or instruction as are necessary for the furtherance of its objects either on its own or in cooperation or collaboration with any other institution.

Subsequently, the President of India in the capacity of visitor accorded approval to establish special centres in the year 2010 pursuant to the AMU Court’s resolution, executive council’s approval and the academic council’s approval (AMU 2016a, 2016).

The Special Centres of the AMU are established to increase access of the students from the concerned State/region to higher education. However, the number of students studying in these centres is more from outside the State. This is mainly due to the policy of fifty per cent. of reservation of seats for the internal candidates. With the establishment of high schools at the AMU Special Centres, the students of the region can also benefit from the internal reservation policy of the university in their admission to graduation and post graduation programmes offered by the AMU Centres.

The Bill, therefore, seeks to amend the Aligarh Muslim University Act, 1920 with a view to empower the University to establish and maintain high schools within a radius of fifteen miles from the Special Centres of the University in addition to the existing provision of the establishment of high school from the University Mosque.

Hence this Bill.

NEW DELHI;
August 14, 2024

E.T. MOHAMMED BASHEER

Bill No. 133 of 2024

*A Bill to prevent the custodial torture, ensure award of
compensation to the victims and making the erring public officials
liable for
the punishment and for matters connected therewith.*

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 Prevention of Torture Act, 2024.
(2) It extends to the Whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
 - (a) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government;

Short title,
extent and
commencement.

Definitions.

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

(c) words and expressions used but not defined in this Act shall have the same meanings respectively as assigned to them in the Bharatiya Nyaya Sanhita, 2023; and

45 of 2023.

(d) any reference in this Act to any enactment or any provision thereof shall in any area in which such enactment or provision is not in force be construed as a reference to the corresponding law or the relevant provision of the corresponding law if any, in force in that area.

Intimation of
arrest of a
Person.

3. (1) Whenever a person is arrested by a police officer, intimation of such arrest along with the place of detention shall be immediately communicated by the concerned police officer to a relative, if such relative is present at the time of arrest or, in his absence, to such other person as mentioned by the person who is being arrested in such manner as may be prescribed.

(2) The intimation under sub-section (1) shall be communicated by telegram or telephone or by such other means which shall be recorded by the police officer under the signature of the arrested person in such manner as may be prescribed.

(3) After the arrest of a person under sub-section (1), the police officer shall prepare a custody memo and body receipt of the person arrested duly signed by him and by two witnesses of the locality where the arrest has been made and forward a copy of such custody memo and body receipt to a relative, if such relative is present at the time of arrest or, in his absence, to such other person as mentioned by the person who is being arrested in such manner as may be prescribed.

(4) The custody memo prepared under sub-section (3) shall contain the following particulars:—

(i) name of the person arrested and father’s or husband’s name;

(ii) address of the person arrested;

(iii) date, time and place of arrest;

(iv) offence for which, the arrest has been made;

(v) property, if any, recovered from the person arrested and taken into charge at the time of the arrest; and

(vi) any bodily injury which may be apparent at the time of arrest.

Presence of
legal
practitioner.

4. During the interrogation of the arrested person his legal practitioner shall be allowed to remain present.

Entry in police
diary regarding
arrest.

5. It shall be the responsibility of the police officer to inform the person arrested, as soon as he is brought to the police station, of the contents of arrest section and shall make an entry in the police diary about the following facts:

(a) the person who was informed of the arrest;

(b) the fact that the person arrested has been informed of the contents of his arrest; and

(c) the fact that a custody memo has been prepared under sub-section (3) of section 3.

Compensation
in custodial
offences.

6. (1) Notwithstanding the provisions of section 395 of the Bharatiya Nagrik Suraksha Sanhita, 2023, where the court convicts a public servant of an offence resulting in death or bodily injury being an offence constituted by

46 of 2023

an act of such public servant against a person in his custody, such public servant shall be liable to pay such amount of compensation to the person who has sustained bodily injury or has died during the period of custody as may be awarded by the Court.

(2) The court while awarding compensation under sub-section (1) shall order that the appropriate Government in connection with the affairs of which such public servant was employed at the time when such act was committed, be liable jointly and severally with such public servant to pay, by way of compensation such amount as may be specified in the order.

(3) An order for payment of compensation under sub-section (2) may also be made by an appellate court or by the High Court or Court of Session while exercising powers of revision.

(4) While awarding compensation in any subsequent suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

(5) The amount of compensation to be awarded under this section shall not be less than,—

(a) rupees two lakh in the case of bodily injury, not resulting in death; and

(b) rupees ten lakh in case of death or as decided in the judgment of decree.

(6) The Court shall, while fixing the amount of compensation under this section, take into account all relevant circumstances, including (but not limited to) the following:

(a) the type and severity of the injury suffered by the victim;

(b) the mental anguish suffered by the victim;

(c) the expenditure incurred or likely to be incurred on the treatment and rehabilitation of the victim;

(d) the actual and projected earning capacity of the victim and the impact of its loss on the persons entitled to compensation and other members of the family;

(e) the extent, if any, to which the victim himself contributed to the injury; and

(f) the expenses incurred in the prosecution of the case:

Provided that in case of death or permanent disablement of the victim, the court may take into account the estimated annual income of the victim as multiplied by the number of years of his estimated span of life.

(7) The Court may, pending final determination of the proceeding, award, by way of interim relief, such compensation as it may think proper in the circumstances of the case at any stage of the case, even before judgment of conviction is passed.

(8) The appropriate Government may recover any amount paid by it as compensation under this section wholly or partly as it may think proper, from the delinquent public servant in such manner as may be prescribed.

7. 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

Power to
remove
difficulties.

such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Power to
make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Complaints of abuse of power and torture of suspects in custody by the police and other law enforcing agencies have been the concern of the society. Custodial crimes and torture of persons in police custody are heinous and revolting as they reflect betrayal of custodial trust by a public authority against the defenseless citizen. Such practices violate fundamental rights and human rights. There is a pressing need to control this malady.

Investigation of crime and apprehension of an offender is extremely necessary to ensure peace and order. For the implementation of laws and maintenance of law and order, police and other law enforcing agencies are necessary, but no civilised country can permit the use of torture and third degree methods during interrogation and investigation of an offence. The police and other Governmental agencies, while enforcing the law, are required to respect the constitutional commitment to the individual's fundamental rights.

The existing law is inadequate and ineffective in dealing with the custodial crimes and in many cases the erring officers go scot-free on account of the complainants inability to prove the case against them. The Supreme Court has commented upon the inadequate statutory provisions dealing with the custodial crimes in India and it has made several suggestions for reforms in the existing laws. Besides this the victims of custodial crime should be given adequate compensation, and the erring officials should be liable for due punishment.

Hence this Bill.

NEW DELHI;
August 14, 2024.

E.T. MOHAMMED BASHEER

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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. 139 of 2024

A Bill further to amend the National Green Tribunal Act, 2010.

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 National Green Tribunal (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
section 15.

2. In section 15 of the National Green Tribunal Act, 2010 (hereinafter referred to as the principal Act),—

19 of 2010.

(a) in sub-section (1), the following proviso shall be inserted, namely:

“Provided that in cases of relief and compensation to be paid to a group of persons, the Tribunal shall quantify the amount of compensation to be paid to each victim of pollution and other environmental damages in such manner as may be prescribed.”; and

(b) after sub-section (1), the following sub-section shall be inserted, namely:

“(1A) The Tribunal shall, for the purpose of providing relief and compensation and restitution of property and environment under clauses (a), (b) and (c) of sub-section (1), establish a permanent panel of technical assessors on such terms and conditions of service as may be prescribed.”.

Amendment of
section 22.

3. In section 22 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that no appeal shall be made to the Supreme Court by a person against whom the award of compensation or relief is issued unless he deposits fifty per cent. of the amount of compensation awarded by the Tribunal to the Environmental Relief Fund constituted under the Public Liability Insurance Act, 1991.”.

6 of 1991.

Amendment of
section 35.

4. In section 35 of the principal Act, in sub-section (2), in clause (1), for the words “manner and the purposes”, the words “manner and purposes (including the publication of information)” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The National Green Tribunal (NGT) was set up in the year 2010 to provide a speedy and specialised form of adjudication of environment related cases and to provide compensation to victims of environmental damage. An expeditious mechanism is very much necessitated to finalise the process of assessing the compensation and disbursing it to the victims at the earliest.

As per the present system, the compensation must first be remitted to the environment relief fund which was set up under the Public Liability Insurance Act, 1991. When the NGT awards the compensation to victims of environmental damage, it must be transferred from the fund to the district collector having local jurisdiction for a disbursement. In practice, when there are large number of victims, the NGT awards a lump sum, leaving it to the collector to determine individual claims. This goes against the objective of the National Green Tribunal Act, 2010.

The Bill, therefore, seeks to amend the National Green Tribunal Act, 2010 with a view to provide process for assessment of environmental damage and quantifying environmental compensation and recast the process of appeal and formation of panel of technicians to assist the National Green Tribunal in surveying damage and quantifying compensation.

Hence this Bill.

NEW DELHI;
August 14, 2024.

E.T. MOHAMMED BASHEER

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Tribunal shall establish a permanent panel of technical assessors for the purpose of quantifying relief and compensation and restitution of property and environment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

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

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

- (b) “board” means Stray Animals Control Board constituted under section 3;
- (c) “stray animals” means animals left unattended by the animal rearer or farmers in public places for fodder and water and includes its progeny, bulls and bullocks;
- (d) “animal rearer” means persons rearing animals; and
- (e) “prescribed” means prescribed by rules made under provisions of this Act.

Constitution
of the Stray
Animal
Control
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Stray Animals Control Board for the control of stray animals in the country.

(2) The Board shall consist of a Chairperson and ten other members, including one member each from the States of Uttar Pradesh and Madhya Pradesh having special experience for conducting various schemes of cattle rearing, and five animal rearers engaged in farming and rearing animals for the last five years.

(3) The headquarters of the Board shall be in the State of Uttar Pradesh.

(4) The Board shall hold quarterly review meeting in such manner as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of service of Chairperson and members of the Board shall be such as may be prescribed.

Functions of
the Stray
Animal Control
Board.

4. The Board shall,—

(a) conduct a survey once in every year for five years to assess the number of stray animals in the country;

(b) establish an animal shelter in every village for protection of stray animals with the facility of proper cleaning, fodder, water, breed improvement;

(c) make arrangements for the collection of cow urine, panchgavya products and installation of gobar gas plants;

(d) establish breed improvement centre for Tharparkar, Gir, Sahiwal and Gangatiri breed of cows; and

(e) establish animal sanctuaries through water conservation, plantation and pasture on the basis of public partnership by the Forest Department of the State Government concerned on the open and vacant land.

Financial
Assistance to
animal rearer.

5. The Central Government shall provide the following financial assistance to every animal rearer;—

(a) rupees one thousand per month per stray animal for rearing for a period of one year;

(b) for the establishment of flour mill, oil ghani, fodder cutting machine and pump technique for extracting water utilising the stray bullock and ox; and

(c) rupees twelve hundred per month as incentives to the farmers who utilises stray animal such as oxes and bullock cart for agricultural purpose.

Incentive to
Gram Panchayat
having control
over stray
animals.

6. The Central Government shall award rupees five lakh as an incentive to the Gram Panchayat which has made full control on stray animals under its jurisdiction.

Responsibility
of appropriate
Government.

7. The appropriate Government shall,—

(a) on the recommendation of the Gram Panchayats under its jurisdiction provide compensation to the farmers for the loss of his crops caused due to stray animals;

(b) grant compensation of rupees ten lakh to the dependants of the victim who has loss his life due to attack by stray animals; and

(c) provide grant upto fifty percent to the farmers for the expenses required for fencing of the farms.

8. The Central Government shall, after appropriate appropriation made by Parliament by law in this regard, make available requisite sums of money to the State Governments for carrying out the provisions of this Act.

Central Government to provide requisite Funds.

9. The Central Government may give such directions to the State Governments, as may be necessary, for carrying out the provisions of this Act.

Central Government to give directions to State Governments.

10. (1) The appropriate Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Agriculture is the basis of the country's economy and when it goes in a loss, the only alternate source of income for farmers is animal husbandry. But in the economically backward areas of the country, especially in drought prone Bundelkhand for the last several decades, it has become very difficult to arrange water and fodder for animals. Consequently, farmers leave their herd of cows far away from their homes for their livelihood. In Bundelkhand region, it is also known as Anna Pratha. It is a pan-Indian problem. Stray cattle cause a lot of damage to standing crops, causing loss to farmers and also adversely affect social harmony. The traditions like Anna Pratha also provide impetus to the smuggling of stray cattle. Some of these stray animals die prematurely due to lack of fodder and water. Besides this, stray cows come on roads and highways, causing heavy traffic jams or accidents. Controlling stray cows will not only increase the income of farmers, but also stop their migration. This will also control the cattle smuggling, reduce the harm incurred to animals and accidents on the roads, and will also bring social harmony in the society.

The Bill aims to prevent the menace of cow smuggling and the problem of stray animals especially in drought affected areas; to eliminate the problem of customs like Anna Pratha, to take care of domestic animals like cow and its progeny and to reduce the burden on farmers.

Hence this Bill.

NEW DELHI;

August 16, 2024

ANAND BHADAURIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formation of Stray Animals Control Board for the protection and control of stray animals in the country. It also provides for appointment of Chairperson and ten other members to the Board. Clause 4 provides for establishment of animal promotion centre, etc. Clause 5 provides for financial assistance to the animal rearer. Clause 6 provides for incentive of rupees five lakh to a Gram Panchayat having control over stray animals in its jurisdiction. Clause 7 provides for the appropriate Government to provide compensation to the farmers for loss of crops due to stray animals. It also provides for payment of compensation of rupees ten lakh in case of death of a person due to attack by stray animals. Clause 8 provides that the Central Government shall provide funds to the State Governments for the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of about rupees twenty thousand crore will be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 48 of 2025

A Bill to provide for unemployment allowance to all unemployed persons and for matters connected therewith or incidental thereto.

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

1.(1) This Act may be called the Unemployment Allowance Act, 2025.

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

(b) “unemployed person” means a person above the age of eighteen years having no source of livelihood.

Unemployment allowance to unemployed persons.

3. (1) Every unemployed person shall be entitled to receive such monthly unemployment allowance, at such rate, as may be prescribed, till the time he is provided with gainful employment.

(2) While fixing the rate of unemployment allowance, the appropriate Government shall take into account age, educational qualifications technical skills, physical disabilities and such other factors, as it may deem necessary:

Provided that different rates of unemployment allowance may be prescribed for different categories of persons and for persons living in different States or parts of States.

Central Government to provide funds.

4. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to State Government for the purpose of payment of unemployment allowance to unemployed persons in the States.

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

There are a large number of unemployed persons in the country, even after getting educational qualifications, a good number of youth are not getting employment.

It is therefore, proposed that all unemployed youth be entitled to unemployment allowance till they get gainful employment.

Hence, this Bill.

NEWDELHI;
February 21, 2025

ANAND BHADAURIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every unemployed person shall be entitled to receive monthly unemployment allowance as the appropriate Government may fix after taking into consideration certain factors. Clause 4 provides that the Central Government shall provide adequate funds to the State Governments for payment of unemployment allowance to unemployed persons in the States. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees one thousand crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

Bill No. 215 of 2024

*A Bill to provide for the constitution of a Board for the development of floriculture in India
and for the promotion of floriculture farming across the country and
for matters connected therewith.*

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 Floriculture Board Act, 2024.

(2) It extends to the whole of India.

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

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

(a) “Board” means the National Floriculture Board constituted under sub-section (1) of section 3;

Short title,
extent and
commencement.

Definitions.

(b) “floriculture” means a branch of horticulture that deals with the cultivation, processing and marketing of ornamental plants *vis-à-vis* landscaping of small or large areas and maintenance of gardens so that the surroundings may appear aesthetically pleasant and shall include annual (seasonal), biennial and perennial ornamentals, such as cacti and other succulents, bromeliads, trees, shrubs, climbers, bulbous plants, lawn and ornamental grasses, bamboos, orchids, palms, cycads, foliage, bedding, pot and house plants, cut and loose flowers, fillers, ferns, seed and bulb production of ornamentals, dried flowers or plant parts, and other value-added products, such as extraction of essential oils, edible pigments and their marketing *vis-à-vis* making and maintenance of gardens;

(c) “export” and “import” mean, respectively, taking out of or bringing into India by land, sea and air; and

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

Constitution
of National
Floriculture
Board.

3.(1) The Central Government shall, by notification in the Official Gazette, constitute, a Board, to be called the National Floriculture Board.

(2) The Board Shall have its headquarters at Chikkaballapur, Karnataka and shall have regional offices across the country as it deem fit.

(3) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(4) The Board shall consist of such number of members, not exceeding thirty-two, as may be prescribed and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) a Chairperson;

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

(c) Secretary Union Minister of Agriculture and Farmers Welfare who shall be *Ex-officio* Member;

(d) Secretary of the four State Government to be nominated in rotation by the Central Government;

(e) five representatives from the farmers organisations; and

(f) five prominent floricultural farmers;

(5) Salary and allowances payable to and other the terms and conditions of service of the nominated members shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(7) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

Functions of the
Board.

4. (1) The Board may—

(i) device schemes to develop and promote floriculture across the country;

(ii) recommend the procedure for grant certificate for export of flowers and other floricultural products and register brokers therefore;

(iii) undertake programmes and projects for promotion of floriculture;

(iv) assist and encourage studies and research into making India flower capital of the world;

(v) undertake a market research into economic costs involved in the production of flowers;

(vi) recommend a minimum price per quintal for different types of ornamental flowers which shall be the base rate at which flowers shall be procured from the farmers undertake such other function as it deem fit, from time to time.

5. The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

Grants and loans
by the Central
Government.

6. (1) There shall be constituted a fund to be called the National Floricultural Board Fund and there shall be credited thereto—

National
Floriculture
Board Fund.

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

(b) all fees levied and collected in respect of certificates granted under this Act;
and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions;

(c) the welfare measures for families of those farmers engaged in floricultural activities throughout the country; and

(d) expenses on objects and for purposes authorized by this Act.

7. The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Budget of the
Board.

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

Annual report.

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

Accounts and
audit.

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

Annual report
and auditors'
report to be
laid before
Parliament.

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

Power to make
rules.

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

(a) the number of members of the Board under sub-section (4) of section 3;

(b) the term of office and other conditions of service of the members of the Board;

(c) the powers and duties of the Chairperson under sub-section (6) of section 3;

(d) the powers and functions of the Vice-Chairperson under sub-section (7) of section 3;

(e) any other matter which is to be, or may be, presented or in respect of which provisions is to be, or may be made by rules.

12. The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

Power to make
regulations.

Rules and
regulations to
be laid before
Parliament.

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

STATEMENT OF OBJECTS AND REASONS

“Floriculture” means a branch of horticulture that deals with the cultivation, processing and marketing of ornamental plants *vis-à-vis* landscaping of small or large areas and maintenance of gardens so that the surroundings may appear aesthetically pleasant and shall include annual (seasonal), biennial and perennial ornamentals, such as cacti and other succulents, bromeliads, trees, shrubs, climbers, bulbous plants, lawn and ornamental grasses, bamboos, orchids, palms, cycads, foliage, bedding, pot and house plants, cut and loose flowers, fillers, ferns, seed and bulb production of ornamentals, dried flowers or plant parts, and other value-added products such as extraction of essential oils, edible pigments, and their marketing *vis-à-vis* making and maintenance of gardens.

The Government of India has identified floriculture as a sunrise industry and accorded it 100 per cent. export-oriented status. Owing to the steady increase in demand for flowers, floriculture has become one of the important Commercial trades in Agriculture. Hence commercial floriculture has emerged as a hi-tech activity-taking place under controlled climatic conditions inside a greenhouse. Floriculture in India is being viewed as a high growth Industry. Commercial floriculture is becoming important from the export angle.

The country has exported 19677.89 MT of floriculture products to the world for the worth of Rs. 717.83 crores/86.63 USD Millions in 2023-24. U.S.A, Netherland, United Arab Emirates, U.K., Canada and Malaysia were major importing countries of Indian floriculture during the same period.

There is also a growth in flowers in the preparation of fragrance and other essence which itself has grown to be a large industry. Floriculture can also be started as a hobby for households who shall be able to derive additional income out of it. Thus a need is being felt for promoting floriculture across the country.

The Bill, therefore, seeks to provide for constitution of a National Floriculture Board for the development of export horticulture products in the country.

Hence this Bill.

NEW DELHI;

K. SUDHAKAR

November 6, 2024

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Floriculture Board. It also provides for the appointment of chairperson, Vice-Chairperson and other members to the Board. Clause 5 provides for the grants and loans by the Central Government. Clause 6 provides for National Floriculture Board Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand five hundred crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 13 empowers the Board to make regulation consisted with the Act and rules generally to carry out the purposes of this Act. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 196 of 2024

A Bill to provide for the welfare of dairy farmers 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 Dairy Farmers (Welfare) Act, 2024.

(2) It extends to the whole of India.

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

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

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

Short title,
extent and
commencement.

Definitions.

(b) “Committee” means the Dairy Farmers Welfare Committee constituted under section 3;

(c) “dairy farmer” means the farmer engaged in production of milk and milk products;

(d) “Fund” means the Dairy Farmers Welfare Fund constituted under section 5; and

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

Constitution of Dairy Farmers Welfare Committee.

3. (1) The Central Government, shall by notification in the official Gazette, constitute a Committee to be known as the Dairy Farmers Welfare Committee for carrying out the purpose of this Act.

(2) The Committee shall consist of,—

(a) the Union Minister of Agriculture and Farmers Welfare, *ex-officio* Chairperson;

(b) the Secretary of Agriculture and Farmers Welfare - Member;

(c) five members of Parliament from the House of the People from major milk producing States to be nominated by the Central Government, as Member;

(d) ten dairy farmers - Members; and

(e) five agriculture experts - Members.

(3) The salary and allowances payable to, and other terms and conditions of Members of the Committee shall be such as may be prescribed.

Functions of the Committee.

4. The Committee shall,—

(a) recommend periodically the welfare measures required to be provided to dairy farmers across the country;

(b) make necessary studies on the dairy farmers of the country;

(c) recommend to the Government the quantum of subsidy to be given to dairy farmers so that the cost of production for individual dairy farmers comes significantly down;

(d) recommend to the appropriate Government for registration of milch animals; and

(e) recommend to the Government other appropriate measures for the welfare of dairy farmers.

Constitution of Dairy Farmers Welfare Fund.

5. (1) The Central Government shall, by notification in the official Gazette, constitute a Fund to be known as the Dairy Farmers Welfare Fund for carrying out the purposes of this Act.

(2) The Fund shall be utilised for,—

(a) providing for personal accident insurance cover of rupees fifty lakhs per dairy farmer;

(b) providing for health insurance cover of rupees ten lakhs per dairy farmer;

(c) providing for insurance for cattle purchased through schemes of the appropriate Government; and

(d) providing monthly pension from time to time, as may be fixed upon by the Committee.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide, from time to time, requisite and adequate funds to the committee for carrying out the purposes of this Act.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

India leads the world in milk production, with an annual output of more than 230.6 million tonnes with per capita availability of 459 gms/day. This surpasses crop production and serves as a crucial source of income for farmers. Milk production has been instrumental in providing financial security to farmers impacted by adverse weather and crop damage. Approximately seven crore rural families are involved in milk production, with around seventy percent of cattle owned by small, medium, and marginal farmers who derive a significant portion of their family income from milk sales. The majority of milk production is carried out by small and landless farmers, with women playing a vital role in the process.

The rising temperatures and humidity are causing heat stress in cattle and buffaloes, impacting their health, well-being, and production capacity. As we are in the midst of summer, dairy companies are noticing a decrease in milk supply, leading to significant losses for farmers. The market is also flooded with numerous milk powder brands, further adding to the challenges faced by farmers. In India, cattle rearing is deeply rooted in our civilization and heritage, playing a crucial role in the lives of ordinary Indians. It is essential to provide dairy farmers with social security measures such as health and personal accident insurance. Additionally, free cattle insurance should be made available to farmers to prevent financial losses in the event of cattle deaths. In order to improve the lives of dairy farmers and to reduce the financial burden being incurred upon their families there is an urgent need for this bill.

Hence this Bill.

NEW DELHI;
November 7, 2024.

K. SUDHAKAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of Dairy Farmers Welfare Committee. Clause 5 provides for Constitution of Dairy Farmers Welfare Fund. Clause 6 provides that Central Government shall provide adequate funds to the committee for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

No non recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 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. 95 of 2025

A Bill further to amend the Prohibition of Child Marriage Act, 2006.

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

1. (1) This Act may be called the Prohibition of Child Marriage (Amendment) Act, 2025.

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 section 2 of the Prohibition of Child Marriage Act, 2006, hereinafter referred to as the principal Act,—

Amendment of
section 2.

(i) after clause (a), the following clause shall be inserted, namely:—

‘(aa) “Betrothal” means engagement or any other similar event or custom involving a mutual promise, agreement, or contract to marry;’;

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

‘(ba) “Central Reporting Portal” means a portal created under section 16(C) of the Act;’;

(bb) “Child Welfare Committee” means a committee constituted under section 27 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2 of 2016.

(iii) after clause (f), the following clauses shall be inserted, namely:—

‘(fa) “majority” means a person who, under the provisions of the Majority Act, 1875 is to be deemed to have attained majority.

10 9 of 1875.

(g) “Special Court” means a court designated as such under section 19A.

(h) “Special Juvenile Police Unit” means a unit of police designated as such for handling children under section 107 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

(i) “State Child Protection Society” means a society constituted under section 106 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

(j) “Support Person” has the same meaning as assigned to it in clause (f) of Rule 2 of the Protection of Children from Sexual Offences Rules, 2020.

(k) “Unit” means either a State Special Child Marriage Prohibition Unit or a District Special Child Marriage Prohibition Unit constituted under clause (a) of sub-section (1) of section 16B and clause (b) of sub-section (1) of section 16B.’.

Amendment of section 3.

3. In section 3 of the principal Act,

(a) in sub-section (1), after the existing proviso the following proviso shall be inserted, namely:

Provided further that where the female contracting party to the marriage is above eighteen years of age and the male party is below twenty one years of age, such marriage shall be voidable at the option of the female party; and

(b) in sub-section (3), for the words “two years of attaining majority”, the following words “three years or three years after attaining the age of twenty one years in case the petition is being filed by the male contracting party” shall be substituted.

Substitution of new section for section 9.

4. For section 9 of the principal Act, the following section shall be substituted, namely:—

Punishment for male adult marrying a girl child.

“9. (a) Whoever, being a male adult above eighteen years of age, contracts a marriage with a girl, who is a child, shall be punishable with imprisonment of either description for a term which shall not be less than five years and shall also be liable to fine:

Provided that where the girl contracting party to marriage is under fourteen years of age, then the male adult shall be punished with rigorous imprisonment for a term not less than seven years and shall also be liable to fine.”.

Insertion of new sections 9A, 9B, 9C, 9D, 9E.

5. After section 9 of the principal Act, the following sections shall be inserted, namely:—

Attempt to contract or solemnise child marriage.

“9A. Any person who attempts to contract or solemnise a child marriage shall be punishable with imprisonment of either description for a term which shall not be less than three years and shall also be liable to fine.

46 of 2023.

9B. Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, any person, including the child, parent, guardian, whether lawful or unlawful, teacher, Panchayati Raj functionary, health worker or any other person in authority or care-giver, who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to police or Child Marriage Prohibition Officer, as the case may be.

Reporting of offences.

9C. (1) Upon receiving a report from any person about the commission of an offence under this Act, the Special Juvenile Police Unit or local police shall follow the procedures laid down under Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for recording and registration of the First Information Report.

Recording of information by police.

(2) The Special Juvenile Police Unit or local police shall, without delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

9D. Any person who fails to report the commission of an offence under sub-section (1), (2) of section 9, 9A, sub-section (1), (2) of section 10, sub-section (1), (2), (3), (4) of section 11, sub-section (10), (11) of section 13 shall be punishable,—

Punishment for non-reporting.

(a) if the person is a public servant, with imprisonment of either description for a term which may extend to one year and shall also be liable to a fine; or

(b) in case of any other person, with imprisonment of either description for a term which may extend to six months or a fine:

Provided that no child shall be liable to any punishment or fine under this section.

9E. (1) Any agreement, betrothal, engagement or contract to marry entered into, involving a child, shall be void *ab initio* and unenforceable under this Act and any other law for the time being in force.

Betrothal of children to be void.

(2) A child, who is betrothed under sub-section (1), shall be deemed to be a "child in need of care and protection" under sub-section (14) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015.”

6. For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to five years and shall be liable to fine unless he proves that he had reasons to believe that the marriage was not a child marriage and has exercised due diligence in verifying the age of the parties:

Substitution of new section for section 10. Punishment for solemnising a child marriage.

Provided that where the female contracting party to marriage is under fourteen years of age, then the offence shall be punished with rigorous imprisonment for a term not less than seven years and shall also be liable to a fine.”

7. For section 11 of the principal Act, the following section shall be substituted, namely:—

“11. (1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or

Substitution of new section for section 11. Punishment for promoting or permitting solemnisation of child marriages.

association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punished with imprisonment of either description for a term which shall not be less than five years and shall also be liable to fine.

(2) For the purposes of sub-section (1) of section 11, where the female contracting party to marriage is under fourteen years of age, then the person having charge of the female child shall be punished with rigorous imprisonment for a term not less than seven years and shall also be liable to fine:

Provided that it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

(3) Whoever attends or participates in any child marriage shall be punishable with rigorous imprisonment for a term which may extend upto one year and shall also be liable to fine.

(4) For the purposes of sub-section (3), where the female contracting to marriage is under fourteen years of age, the same shall be punishable with a rigorous imprisonment for a term which may extend upto two years and with fine:

Provided that no woman shall be punishable with imprisonment under this section.”.

8. After section 11 of the principal Act, the following sections shall be inserted, namely:—

“11A.(1) In any proceeding under this Act where the female contracting party, who is a child, alleges a sexual offence, or seeks annulment of marriage under section 3, the court shall appoint a support person and extend the facility of NGOs experts and professional in accordance with section 39 of the Protection of Children from Sexual Offences Act, 2012.

(2) The non-governmental organisations, professional and experts support person shall render assistance to the female contracting party through the process of investigation and trial, or any other person assisting the child in the pre-trial or trial process in respect of an offence under the Act, annulment of marriage, access to medical, psychosocial support, compensation or any other entitlements, rights, services provided therein.

11B. (1) Notwithstanding anything contained in this Act or any other law for the time being, no court shall take cognisance of an offence under this Act in respect of a child marriage solemnised prior to the date of commencement of this Act, unless the complaint is filed by,—

“(a) the female contracting party to the marriage, or

(b) a Child Marriage Prohibition Officer, based on reasonable information indicating continuous harm, coercion, or risk to the child.

(2) The complaint under clause (a) or clause (b) of sub-section (1) may be filed at any time, but before the child filing the petition completes three years of attaining majority:

Provided that the Court may, after hearing the child or the Child Marriage Prohibition Officer, as the case may be, and for reasons to be recorded in writing, take cognisance of any offence under this Act, after the expiry of the three years under sub-section (2), if it is satisfied on the facts and in the circumstances of

Insertion of
new section
11A.
Provision of
support person
in cases of
sexual offence.

Limitation on
retrospective
prosecution
of child
marriages.

32 of 2012.

the case that the delay has been properly explained or that it is necessary to do in the interest of justice.

(3) Nothing in this section shall restrict the right of the child to approach the Court for the purpose of annulment of the marriage under sub-section (3) of section (3).”.

9. In section 13 of the principal Act for sub-section (10), the following sub-sections shall be substituted, namely:

Amendment of section 13.

“(10) Whoever, knowing that an injunction has been issued under sub-section (1) against him, disobeys such injunction shall be punishable with imprisonment of either description for a term which shall not be less than five years and shall also be liable to fine:

Provided that no woman shall be punishable with imprisonment.

(10A) For the purpose of sub-section (10), where the female contracting party to marriage is under fourteen years of age, then it shall be punished with rigorous imprisonment for a term not less than seven years and shall also be liable to fine.”.

10. After section 15 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new section 15A.
Compensation.

“15A. (1) The District Legal Services Authority may, in appropriate cases, on an application filed by or on behalf of the child or on the recommendation of the court, grant interim compensation to meet the needs of the child for relief or rehabilitation, at any stage after the registration of the First Information Report. Such interim compensation paid to the child shall be adjusted against the final compensation, if any.

(2) The procedure for making an application, assessment of the quantum of interim compensation, and disbursal shall be in the manner as may be prescribed.

11. In section 16 of the principal Act,—

Amendment of section 16.

(a) in sub-section (1), for the words “the whole state”, the words “every district” shall be substituted;

(b) in sub-section (2), after the words “Child Marriage Prohibition Officer”, the words “Child Marriage Prevention Coordinator appointed under sub-section (1) of section 16A,” shall be inserted; and

(c) in sub-section (3), after clause (f), insert following clause:

(fa) to keep record of all child marriages, and rehabilitation status of such children and upload the same on the Central Reporting Portal, as may be prescribed.

12. After section 16 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 16A, 16B, 16C and 16D.

“16A.(1) The State Government shall, by notification in the Official Gazette, appoint officers, in such numbers and for such parts of a district as may be prescribed, to be known as the Child Marriage Prevention Coordinator, who shall have jurisdiction over the area or areas specified in the notification.

Child Marriage Prevention Coordinator.

(2) It shall be the duty of the Child Marriage Prevention Coordinator—

(a) to assist the Child Marriage Prohibition Officer in discharging his functions and duties under this Act;

(b) maintaining records of all child marriages within their jurisdiction;

- (c) monitoring the rehabilitation status of the victims;
- (d) updating the Central Reporting Portal established under Section 16C of the Act;
- (e) to discharge such other functions and duties as may be assigned to him by the State Government.

Special Child
Marriage
Prohibition
Unit.

16B. (1) The State Government shall, by notification in the Official Gazette, establish,-

(a) a State-Level Special Child Marriage Prohibition Unit for oversight, coordination, capacity building and grievance redressal for the Child Marriage Prohibition Officer, to be chaired/headed by the Secretary of the State Department dealing with children; and

(b) a District-Level Special Child Marriage Prohibition Unit, in every district where more than one Child Marriage Prohibition Officer has been appointed, for local-level oversight, coordination, capacity building, and grievance redressal for Child Marriage Prohibition Officers headed by the District Magistrate or an officer not below the rank of Additional District Magistrate, as designated by the State Government.

(2) The composition, functions, powers, and procedures of the State-Level Special Child Marriage Prohibition Unit and the District-Level Special Child Marriage Prohibition Units established under sub-section (1) shall be such as may be prescribed.

Disciplinary
action for
wilful neglect
of duty.

16C. Any public servant, including a Child Marriage Prohibition Officer, functionaries of Panchayati Raj Institution, who, having knowledge of a child marriage likely to be solemnised or already solemnised, wilfully fails to take timely action shall be liable to disciplinary proceedings and such wilful neglect shall be deemed an offence under clause (c) of section 199 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Central
Reporting
Portal.

16D. The Central Government shall create a national online portal for reporting and monitoring child marriage cases, in such manner as may be prescribed.

Insertion of
new sections
19A and 19B.

13. After section 19 of the principal Act, the following sections shall be inserted, namely:—

Designation
of Special
Courts.

19A.(1) For the purposes of providing a speedy trial, the State Government shall, in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district a Court of Session to be a Special Court to try the offences under the Act.

(2) If a Court of Session is already notified as a Children's Court under the Commissions for Protection of Child Rights Act, 2005 or under any other law, it shall be deemed to be the Special Court for the purposes of this Act:

Provided that if the offence falls under the Protection of Children from Sexual Offences Act, 2012, the case shall be triable by the Special Court designated under the said Act.

(3) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 or the Commission for Protection of Child Rights Act, 2005, all offences under this Act shall be triable by the Special Court or the Children's Court, as the case may be.

(4) The Special Courts shall ensure speedy trials and disposal of cases within six months from the date of filing of the charge sheet.

(5) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

(6) If any question arises in any proceeding before the Special Court whether a person is a child or not, such a question shall be determined by the Special Court after satisfying itself about the age of such person, and it shall record in writing its reasons for such determination.

(7) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of persons determined by it under sub-section (2) was not the correct age of that person.

19B. The State Government shall, by notification in the Official Gazette, empower the Special Juvenile Police Units, constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015, to investigate and manage cases of child marriage in accordance with the provisions of the Act.”.

Special
Juvenile
Police Units.

14. After section 20 of the principal Act, the following sections shall be inserted, namely: —

Insertion of new
sections 20A
and 20B.

“20A. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force, and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.

Act not in
derogation of
any other law.

20B. (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

Monitoring of
implementation
of Act.

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005.

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

STATEMENT OF OBJECTS AND REASONS

India has committed to ending child marriage by 2030 through the Sustainable Development Goals (SDGs). Yet every minute, three girl child get married in India; however, only three cases are registered every day.

Child marriage continues to violate the fundamental rights of children in the country. It disproportionately affects girls by undermining their health, education, safety, and development. Despite the Prohibition of Child Marriage Act, 2006, which legally prohibits child marriages in the country, enforcement challenges, definitional ambiguities, and procedural gaps continue.

Therefore, there is an urgent need to amend the Prohibition of Child Marriage Act, 2006, to ensure effective prevention, prohibition and prosecution of child marriage cases. The proposed Bill is an attempt to fill in all systemic gaps in enforcement and reaffirm the State's commitment to end child marriage in all its present forms.

The Bill, *inter-alia*, seeks to provide for:—

- (a) Graded punishments based on the culpability of the offending parties.
- (b) Introduces the concern of betrothals in the Act and makes them void *ab initio*.
- (c) Proposes procedural safeguards such as appointment of support persons, and establishment of a fund for rehabilitation and compensation for the victims of child marriage.
- (d) Mandatory appointment of exclusive, full-time Child Marriage Prohibition Officers (CMPOs) in every district and local regions thereof; appointment of Child Marriage Protection Coordinators to assist the CMPOs in discharging their duties.
- (e) Creation of exclusive Special Courts for time-bound trials.
- (f) Integration of Special Juvenile Police Units into the child marriage framework to strengthen child-sensitive investigation.
- (g) Introduces a digital Central Reporting Portal to allow early reporting and prompt intervention.

Hence this Bill.

NEW DELHI;

LAVU SRI KRISHNA DEVARAYALU

July 7, 2025

FINANCIAL MEMORANDUM

Clause 12 of this Bill vide proposed section 16D provides for creation of a national online portal for reporting and monitoring child marriage cases by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The expenditure related to the State Government shall be borne from the consolidated fund of the respective State. However, in case of Union Territory, the expenditure shall be met from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum from the Consolidated Fund of India.

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

Bill No. 16 of 2025

A Bill to confer certain rights on every tenant farmer without affecting the rights of title holders and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Rights of Tenant Farmers Act, 2025.

(2) It extends to the Union Territory only.

(3) 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,—

(a) “agricultural land” means land used or capable of being used for agricultural purposes, excluding land allocated by the Central Government for such purposes;

(b) “agricultural Officer” includes officers designated by the Central Government for the implementation of agricultural policies under this jurisdiction;

(c) “agricultural year” means the year beginning on the 1st of May;

Short title,
extent and
commencement.

Definitions.

(d) “card” means Tenant Farmers’ Rights Card issued under section 4;

(e) “crop” includes any crop notified by the Central or State Government, such as food grains, oilseeds, vegetables, and horticultural products;

(f) “tenant Farmer” refers to any person who cultivates land belonging to others with written or oral permission for a crop season or up to one year, excluding family members of the landowner;

(g) “family member” means spouse, sons, daughters, and parents;

(h) “portal and database” means any system set up by the Central Government for the registration, accounts, audit, and any other details of the tenant farmers as may be prescribed by the Central Government;

(i) “public Financial Institution” refers to any financial institution defined under sub-section (72) Section 2 of the Companies Act, 2013;

18 of 2013.

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

(k) “title Holder” refers to a person having legal ownership of agricultural land.

Registration of
Tenant Farmers.

3. (1) The Central Government shall ensure that every tenant farmer shall under its jurisdiction in April each year, register the details of his cultivation arrangements, including particulars of the agricultural land under cultivation, on the digital portal and database established for this purpose under this Act.

(2) Upon registration, the title holder of the agricultural land shall be notified through the digital portal and database who shall communicate his consent or objection to the cultivation arrangement within three days from the date of such notification:

Provided that if the title holder fails to respond within the aforesaid period, it shall be deemed that the title holder has granted consent to the cultivation arrangement.

Issuance of
Tenant Farmers’
Rights Card.

4. (1) The agricultural Officers shall upon registration of the tenant farmer under sub-section (1) of section 3, issue a Tenant Farmers’ Rights Card both digital and hard to the tenant farmer in such manner as may be prescribed.

(2) The Card issued under sub-section (1) shall be proof of the entitlement of tenant farmer to benefits under this Act.

Rights and
Benefits through
the Tenant
Farmers’ Rights
Card.

5. (1) Every tenant farmer who has been used the Card shall,—

(a) be eligible to apply for crop loans from public financial institutions without the requisite of any other revenue records or guarantees; and

(b) be entitled to all benefits of government schemes, including but not limited to crop insurance, financial assistance, input subsidies and crop loss compensation, subject to prevailing laws and regulations in this regard.

(2) The financial institutions of the Central Government shall be provided with a database of Tenant Farmer Rights Cards to facilitate loan applications.

(3) The Card issued under sub-section (1) of section 4 confers rights solely over the crops grown and does not entitle the holder to any rights over the agricultural land itself:

Provided that title holders may avail loans other than crop loans while the land is under cultivation by a registered tenant farmer.

Grievance
Redressal
and Appellate
Authority.

6. (1) Any person aggrieved by the decision of the Agricultural Officer with respect to the issuance of the Card may appeal to the designated authority appointed by the Central Government in such manner as may be prescribed.

(2) Every appeal under sub-section (1) shall be disposed of within forty-five days through a summary hearing in such manner as may be prescribed.

Nodal Agency.

7. The Union Ministry of Agriculture and Farmers’ Welfare shall be the nodal agency for the implementation of this Act which may issue guidelines and instructions from time to time, to ensure effective implementation of the process of this Act.

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

Central Government to provide funds.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty :

Power to remove difficulties.

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

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

India's agrarian economy relies heavily on the contributions of tenant farmers. Despite their significant presence in the agriculture sector, they face systemic challenges in accessing financial support and Government welfare schemes, due to their informal land arrangements. The lack of formalization of tenant farmers entails that they bear all the risks associated with crop failure while having no legal claim to compensation or benefits. Their exclusion from insurance to welfare schemes leaves them without financial support, specifically after disasters. They do not receive benefits under Pradhan Mantri Kisan Samman Nidhi also, adding to their vulnerabilities. There is also a lack of reliable data on the number of landless and tenant farmers across India, complicating the efforts to address their needs through policy measures.

A comprehensive legislation is necessary to protect these tenant farmers' rights and ensure that they have access to Government support systems.

This Bill aims to address the longstanding issues faced by tenant farmers by establishing a legal framework that recognizes their status and guarantees them access to welfare programs designed for the agricultural sector. It aims to strengthen their resilience, reduce economic disparities, and promote a more equitable agricultural system across India.

Hence this Bill.

NEW DELHI;
November 11, 2024

LAVU SRI KRISHNA DEVARAYALU

FINANCIAL MEMORANDUM

Clause 3 provides for establishment of digital portal and database by the appropriate Government to ensure registration of details of agricultural land by Tenant farmers. Clause 4 provides for issuance of both digital and hard card to tenant farmers. Clause 8 provides that Central Government shall provide funds for carrying out purposes of this Act. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore will be involved.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 173 of 2024

A Bill to provide for fixation of minimum remunerative support price and insurance of vegetable products and for matters connected therewith.

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 Vegetable Products (Remunerative Support Price and Insurance) Act, 2024.

Short title and extent.

(2) It extends to the whole of India.

Definitions

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

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

(b) “insurance” means insurance against loss or damage or destruction of vegetable product due to—

(i) any natural calamity such as flood, drought, storm, frost, cyclone, flash flood, hailstorm or any other calamity as may be specified by the Central Government, from time to time; and

(ii) loss or damage or destruction of vegetable produce due to poor quality of fertilizers, pesticides and seeds.

(c) “prescribed” means prescribed by rules made under this Act by the Central Government or State Government, as the case may be; and

(d) “vegetable products” means vegetables used for human consumption and includes beetroot, bitter gourd, brinjal, cabbage, carrot, cauliflower, okra, onion, pulses, potato, radish, tomato, turnip and banana leaf.

Minimum Remunerative Support Price of vegetable products.

3. The appropriate Government shall announce the minimum remunerative support price of vegetable products in such manner and at such intervals as may be prescribed:

Provided that different prices may be fixed for different States and different seasons.

Relevant factors to be taken into account while announcing the Minimum Remunerative Support Prices of vegetable products.

4. The appropriate Government, while announcing the Minimum Remunerative Support Prices of vegetable products, shall take into account all relevant factors which shall include:—

(a) expenditure on inputs like seeds, fertilizers and pesticides;

(b) average labour cost;

(c) rent expenses for land and tractor;

(d) interest payable to banks on loans taken for growing vegetables;

(e) electricity and water charges;

(f) expenditure on storage of vegetable produce; and

(g) expenditure incurred on transportation of vegetable products to the market.

Comprehensive insurance scheme for vegetable products.

5. (1) The Central Government shall formulate a comprehensive insurance scheme for vegetable growers.

(2) The expenditure incurred on payment of premium for insurance of vegetable products under sub-section (1) shall be fully borne by the Central Government.

Insurance of vegetable products.

6. (1) The appropriate Government shall assess the losses suffered by the vegetable growers on account of natural calamity or substandard quality of fertilizers, pesticides and seeds and send an ad hoc report to the Central Government in such manner as may be prescribed.

(2) On receipt of the report from the appropriate Government under sub-section (2), the Central Government shall direct the concerned insurance company to pay the insured amount to the vegetable growers within such time and in such manner as may be prescribed.

Central Government to provide requisite funds.

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

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

Power of
Central
Government to
make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or 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

Minimum Remunerative Support Prices are announced from time to time for many agricultural products, but there is no provision for fixation of Minimum Remunerative Support Price for vegetable products. In the absence of Minimum Remunerative Support Price, vegetable growers are harassed and cheated by middlemen and multinational retail companies. They are forced to sell their produce at throwaway prices, causing huge losses to them. Apart from this, the crop insurance scheme does not cover vegetable produce. Further, the crop insurance scheme provides for insurance only in case of severe natural calamities, however, substandard quality fertilizers, spurious pesticides and spurious seeds also cause crop damage, which is not currently covered under any crop insurance. For example, banana leaves, banana plants and unripe bananas are damaged and destroyed due to cyclones. About forty per cent of the vegetables are damaged by the time they reach the mandis and markets from the fields. Due to lack of proper management of cold storage and transportation, farmers have to throw their produce on the roads. Therefore, there is no coverage for such losses to farmers. So, there is a need to bring crops damaged due to spurious fertilizers, pesticides and poor quality of seeds under the ambit of insurance and broadening the definition of natural calamities.

Hence this Bill.

NEW DELHI;
November 7, 2024.

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for formulation of a comprehensive insurance scheme for vegetable produce. Clause 6 provides for payment of insurance amount to vegetable growers in case of natural calamity or loss due to poor quality of fertilizers, pesticides and seeds. Clause 7 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one thousand crore would be involved per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules regarding for carrying out the purposes of this Bill. As the matters in respect of which rules may be made will relate details only, the delegation of legislative power is, therefore, of a normal character.

Bill No. 218 of 2024

A Bill to provide for the construction and management of a National Memorial in commemoration of Birsa Munda, also known as 'Dharti Aaba' a great freedom fighter born on 15 November, 1875 at Ulihatu in Khunti District in the State of Jharkhand.

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 Bhagwan Birsa Munda Birth Place Ulihatu National Memorial 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) "Memorial " means the national Memorial to perpetuate the memory of the

Bhagwan Birsa Munda born on 15 November, 1875 at Ulihatu in Khunti District in the State of Jharkhand.

(b) "Trust" means the Bhagwan Birsa Munda, Ulihatu National Memorial Trust for the construction and management of the Memorial.

(c) "Trustee" means the Trustee of the Bhagwan Birsa Munda Birth place, Ulihatu National Memorial.

Objects of the Trust.

3. The objects of the Trust shall be—

(a) to construct and maintain suitable buildings, structures and parks at the site or in the surrounding area in order to perpetuate the memory of Bhagwan Birsa Munda who was born on 15 November, 1875 at Ulihatu in Khunti District in the State of Jharkhand and also to highlight that place on the map of our country;

(b) to acquire land, buildings and other properties for the trust; and

(c) to raise and receive funds for the purposes of the Memorial.

Trustees of the Memorial.

4. (1) The trustees of the memorial shall be following, namely:—

(a) the Prime Minister-Chairperson,

(b) the Union Minister-in-charge of Culture;

(c) the Leader recognized as leader of opposition in the House of the People or where there is no leader of opposition, then leader of the largest party in opposition in the house;

(d) the Governor of the State of Jharkhand;

(e) the Chief Minister of the State of Jharkhand; and

(f) three eminent persons nominated by the Central Government.

(2) The trustees shall be body corporate by the name of "Trustee of Bhagwan Birsa Munda Ulihatu National Memorial" for the purposes of this Act shall have perpetual succession and a common seal and shall by the said name sue and be sued and shall be entitled to contract for the acquisition and holding of property.

Term of office of nominated trustees.

5. The trustees nominated under clause (f) of sub-section (1) of section 4 shall continue to be trustees for a period of five years and shall be eligible for re-nomination.

Property vested with the trustees.

6. All funds and property, whether movable or immovable, which may go to it, bequeathed or otherwise be transferred for the purpose of the Memorial or shall be acquired for the said purpose, shall vest with the Trust.

Central Government to provide funds.

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

Power of trustees to appoint management committee.

8. (1) For the purposes of managing the affairs of the Trust, the Trustees may, by a resolution passed in the meeting, appoint a Management Committee and assign to it such powers, duties and functions subject to such directions and limitations as may be defined in such resolution.

(2) The trustees may appoint any persons, whether such persons are trustees or not, as members of the management committee and may, from time to time, vary or rescind any resolution passed by it under this section.

Power to approve audited accounts.

9. The Trust shall meet at least once in a year for approving the audited accounts of the Trust and shall transact such other business as may be deemed necessary.

10. No act of the trustees shall be deemed to be invalid by reason of any vacancy in the body of the trustees or any defect in its constitution.

Validity of the acts of trustees not to be questioned due to vacancy etc.

11. (1) The accounts of the trust shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and the expenses in connection with such audit shall be payable by the trust to the Comptroller and Auditor-General of India.

Accounts and Audit.

(2) The Comptroller and Auditor-General and any person appointed by him under this act in connection with the audit of the accounts of the Trust shall have generally the usual rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General has in case of audit of the Government accounts and shall have rights in particular for demanding the presentation of books, accounts, related vouchers and other documents and to inspect any of the offices of the trust.

(3) The audit report and account report of the trust as certified by The Comptroller and Auditor-General or by any other person appointed by him in this matter shall be forwarded to Central Government every year and the Central Government shall lay the reports as soon as possible on the table of both houses of the parliament.

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

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules shall have power to make rules for—

(a) the manner in which the funds of the Memorial shall be kept, deposited or invested;

(b) the manner of authentication of orders for the payment of money by the Trustees;

(c) the form in which accounts shall be maintained by the trustees and the audit of such accounts and their publication;

(d) the layout, construction, improvement, preservation and management of the monument;

(e) the conditions on which the public shall have access to the monument or particular parts thereof and the regulation of the conduct of persons entering the monument; and

(f) the preservation of any property vested in the Trustee, and the prevention of damage to, or interference with, that property and restriction of persons trespassing on any particular part of the monument.

(3) A rule made under this section may provide that a breach of any rule made under clauses (e) and (f) of sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

13. The Trustees may make such regulations as may be relevant to this Act for all or any of the following purposes:

Power to trustees to make regulations.

(a) the manner in which meetings of the Trustees shall be called, the quorum for the transaction of business at such meetings and the procedure to be followed at such meetings;

(b) the manner in which the decision of the majority of the Trustees, the matter in respect of which the decision shall be obtained by circulation to the required Trustees, the power of the Trustees to make regulations.

(c) the term of office of the members of the management committee, their powers and duties and the circumstances in which, and the conditions subject to which, such powers and duties may be exercised;

(d) the appointment of such officers and servants as may be deemed necessary for the purposes of the trust, and the terms and conditions of their service.

Laying of rules
and regulations
before
Parliament.

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

STATEMENT OF OBJECTS AND REASONS

Birsa Munda, a great leader of the tribals, was born to a tribal couple Sugana and Karmi on 15 November, 1875 in Jharkhand. Birsa Munda was a great hero in Indian history who pioneered a new social and political era by transforming the condition and orientation of the tribal society with his revolutionary thinking in second half of the nineteenth century in Jharkhand, India. Birsa Munda scripted a saga of chivalry through his brave endeavours.

Between 1897 and 1900, there were wars between the Mundas and the British soldiers, and Birsa and his supporters had given a befitting retaliation to the British. In August 1897, Birsa and his four hundred soldiers, armed with arrows and bows, raided the Khunti police station. In 1898, the Mundas clashed with the British forces on the banks of the Tanga river, in which the British army was defeated.

In January 1900, another clash took place on the Dombadi hill, in which many women and children were killed while Birsa was addressing a public meeting at that place. Later on, some of Birsa's disciples were also arrested. Finally, on 3rd February 1900, Birsa was also arrested in Chakradharpur. Birsa breathed his last on 9 June 1900 in Ranchi Jail. Even today, Birsa Munda is worshiped as a God in tribal areas of Bihar, Odisha, Jharkhand, Chhattisgarh and West Bengal.

Therefore, there is a need to construct a National Memorial in his honour and promote the birth place of Bhagwan Birsa Munda as a tourist center on the map of the country.

Hence this Bill.

NEW DELHI;
November 7, 2024.

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the construction and maintenance of suitable buildings, structures and gardens around the Bhagwan Birsa Munda birth place National Memorial Ulihatu by the trust and acquisition of land, buildings and other properties for the purpose of the trust and raising and receiving funds for the purpose of the memorial. Clause 7 provides for grants to be given to the Trust by the Central Government after due appropriation done by Parliament by law in this behalf for the purposes of the Act.

Therefore, on enactment of this Bill, both recurring and non-recurring expenditure are likely to be incurred from the Consolidated Fund of India. However, it is difficult to estimate the amount required for this purpose as it will depend on the decisions of the Trust.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 13 provides for power of trustees to make such regulations as may be relevant to this Act. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

Bill No. 157 of 2025

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2025.

Short title.

2. In the Eighth Schedule to the Constitution,—

Amendment
of the Eighth
Schedule.

(i) In the Eighth Schedule to the Constitution, the existing entries 10 and 22 shall be re-numbered as entries 11 and 23, respectively, and before entry 11 as so re-numbered, the following entry shall be inserted, namely:—

“10. Kudmali.”.

STATEMENT OF OBJECTS AND REASONS

Kudmali is a language related to Bengali, Odia and Assamese. Its origin is linked to the civilization and culture of the Kudmi community. Kudmali language has its own special characteristics which belong to the Aryan language family which is reflected in its phonetic, linguistic and grammatical characteristics. It has its own linguistic idioms, proverbs, tune, rhythm, melody, various songs and a wide and powerful folk literature. There are basic reasons for its separateness. It has a large number of folk songs, folk tales, proverbs and riddles. After folk songs, folk tales, folk songs, riddles and proverbs have a place in Kudmali folk literature. The imprint of Kudmali is clearly reflected in these folk songs, folk tales and proverbs. It is known from the various compositions of these genres that Kudmali literature is as rich as it is excellent in terms of emotional beauty. Its literature is more than 2700 years old.

Kudmali language is mainly spoken in many states of India (mostly in Jharkhand). Mainly in Seraikela Kharsawan, East Singhbhum, Bokaro and Ranchi districts of Jharkhand, Mayurbhanj, Balasore, Kendujhar, Jajpur and Sundargarh districts of northern Odisha, and south western districts of West Bengal like West Medinipur, Jhargram, Bankura, Purulia and North Malda, North Dinajpur, South Dinajpur, Jalpaiguri, districts etc.

According to the 2011 census, there are more than 2 crore speakers of this language in India and some scholars believe that Kudmali is closest to the language of Charyapada. As a trade dialect, it is also called 'Panchpargania', which means it is a language spoken in five parganas.

There has been a continuous demand from the Kudmali speaking people to include Kudmali language in the Eighth Schedule of the Constitution. This language is recognized as a regional language in the state of Jharkhand and this language is also taught in Jharkhand University. Still, Kudmali language has not been given national recognition.

Therefore, keeping the above in mind, it is necessary to protect, promote and preserve the sanctity of Kudmali language and protect the culture and traditions of the speakers of this language and also keeping in mind the importance of this language that Kudmali language should be included in the Eighth Schedule of the Constitution and given due recognition.

Hence this Bill.

NEW DELHI;
November 6, 2024.

BIDYUT BARAN MAHATO

Bill No. 279 of 2024

*A Bill to establish an Infrastructure Project (Monitoring and Management) Board
for the monitoring, management, and oversight of large infrastructure projects
in India to ensure timely execution, cost control, and quality
assurance 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 Infrastructure Project (Monitoring and Management) Board Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

Definitions.

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

(a) “Board” means the Infrastructure Project Monitoring and Management Board established under Section 3;

(b) “infrastructure project” means any project related to public works including but not limited to highways, bridges, ports, airports, and public utilities exceeding a specified capital investment threshold as notified by the Central Government, from time to time.

(c) “project stakeholder” includes government bodies, private contractors, consultants, and financiers involved in the infrastructure project;

Establishment
of the
Infrastructure
Project
Monitoring and
Management
Board.

3.(1) The Central Government shall, within six months from the commencement of this Act, establish a Board to be called the Infrastructure Project Monitoring and Management Board for carrying out the purposes of this Act.

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

Composition
of the Board.

4. The Board shall consist of,—

a Chairperson to be appointed by the Central Government having expertise in public infrastructure management, finance, or engineering in such manner as may be prescribed:

(a) two representatives from the Central Government (not below the rank of Joint Secretary) – member;

(b) one representative each from three different State Governments (on a rotational basis) – member;

(c) three experts in infrastructure development, public-private partnerships, or project finance;

(d) One member from the public sector or private sector with experience in large-scale project management; and

(e) to be appointed by the Central Government in such manner as may be prescribed.

Setting up
of Regional
offices.

5.(1) The Central Government shall establish regional offices of Infrastructure Project Monitoring and Management Board in key locations across India for carrying out the purposes of this Act.

(2) These regional offices of the Board shall work in coordination with the State Governments to ensure that projects are managed efficiently at the local level.

Functions of
the Board.

6. The Board Shall,—

(a) monitor real-time progress of ongoing projects using digital platforms and advanced technologies to track progress;

(b) identify risks related to time, cost, and quality during project execution and recommending mitigation strategies;

(c) conduct technical inspections and ensuring projects meet national and international standards for infrastructure development;

(d) conduct workshops, seminars, and training programs for project management professionals;

(e) facilitate coordination between various government departments, contractors, and other stakeholders to ensure smooth project execution;

(f) provide mechanisms for the speedy resolution of disputes related to delays, quality issues, or contractual disagreements; and

(g) submit regular reports to the Central and State Governments on project status, challenges, and recommendations for improvement.

7. The Board shall have the authority to:—

Powers of the Board.

(a) Issue guidelines for the monitoring, management, and quality assurance of infrastructure projects;

(b) Recommend penalties for contractors, consultants, or other stakeholders failing to meet project deadlines, quality standards, or cost controls;

(c) Conduct independent audits and inspections of infrastructure projects;

(d) Recommend the termination or renegotiation of contracts in case of persistent non-performance; and

(e) Set up regional offices to oversee infrastructure projects in different regions of the country.

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

Central Government to provide funds.

9.(1) The Board shall prepare an annual report on the state of infrastructure projects in the country and submit it to the Parliament within three months after the end of each financial year.

Annual Report.

(2) The report shall include:—

(a) status of all ongoing projects;

(b) performance analysis;

(c) challenges faced and actions taken; and

(d) financial performance and expenditure status.

10. (1) Any contractor, consultant, or entity that intentionally misrepresents the status of a project, or fails to meet quality and time standards as required under this Act, shall be liable to a penalty of not less than INR 50 lakh, extendable to INR 5 crore.

Offences and Penalties.

(2) In cases where there is wilful misconduct, negligence, or fraudulent actions, additional criminal penalties may apply as per relevant laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act, including but not limited to:—

Power to make rules.

(a) Financial management and budgeting of the Board;

(b) Procedures for real-time monitoring and data integration;

(c) Mechanisms for audit and reporting; and

(d) Standards for project management and quality assurance.

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

STATEMENT OF OBJECTS AND REASONS

The Infrastructure Project Monitoring and Management Board Bill, 2024, addresses key inefficiencies in India's infrastructure projects, including delays, cost overruns, and quality deficiencies, which have hampered timely completion and effective use of public funds. Current mechanisms, such as the Infrastructure and Project Monitoring Division (IPMD) and Central Sector Projects Coordination Committees (CSPCCs), are limited in scope, often reactive, and lack real-time monitoring and enforcement powers.

The Bill proposes the creation of the Infrastructure Project Monitoring and Management Board (IPMMB), an autonomous body using advanced technologies for real-time project tracking, independent audits, and accountability measures, including penalties for non-performance. Regional agencies will also be set up to manage local-level projects more efficiently.

Reports from the Comptroller and Auditor General (CAG), Economic Survey 2020-21, and NITI Aayog have highlighted the need for such an independent body to improve oversight and governance in public infrastructure. This Bill aims to implement those recommendations, ensuring transparency, timely execution, and optimal resource utilization, driving India's economic growth.

Hence this Bill.

NEW DELHI;
November 11, 2024

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Establishment of the Infrastructure Project Monitoring and Management Board. Clause 8 provides that Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees One Thousand Five Hundred and Fifty crore will be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 277 of 2024*A Bill to amend the Digital Personal Data Protection Act, 2023.*

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 Digital Personal Data Protection (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.

22 of 2023. 2. In section 9 of the Digital Personal Data Protection Act, 2023 (hereinafter referred to as the principal Act),—

Amendment of
section 9.

(a) for sub-section (1), the following sub-section and explanation thereto shall be substituted, namely;—

“(1). A data fiduciary shall process the personal data of a child or a person with disability who has a lawful guardian only after obtaining verifiable parental consent

or verifiable consent from a lawful guardian, using digitally authenticated consent mechanisms which shall be verifiable through digital tools such as two-factor authentication, digital certificates, or the consent manager ecosystem.

Explanation.— For the purposes of this sub-section,—

(1) Data fiduciaries shall incorporate a range of age-verification mechanisms suited to the platform's risk and service type.

(2) Parental consent shall be authenticated to ensure compliance with age limits and proper oversight.”; and

(b) in sub-section (2), the following Explanation shall be inserted, namely;—

“Explanation.— For the purposes of this sub-section, “detrimental effect” includes, but is not limited to:—

(i) the collection or use of personal data that could lead to behavioral profiling, targeted advertising, or manipulation, especially for in-game purchases or incentives;

(ii) the sharing of personal data that may expose a child to risks such as identity theft, online harassment, or addiction;

(iii) the processing of personal data that may impair the mental health, safety, or moral development of a child.”.

3. After section 9 of the principal Act, the following section shall be inserted:—

“9A. (1) The data fiduciaries processing the personal data of children shall adhere to the principle of data minimization, collecting only such data as is necessary for the provision of services to the child.

(2) The data fiduciary shall ensure that no personal data of children be retained for a period longer than necessary for the specific purpose of processing, unless retention is mandated by law in this behalf.

(3) The data fiduciary shall delete the personal data of children upon termination of service or consent withdrawal, as the case may be.

9B. (1) Any data fiduciary processing a substantial volume of personal data of children shall conduct a Data Protection Impact Assessment (DPIA), identifying potential risks to child privacy and safety.

(2) The DPIA shall be submitted to the Data Protection Board of India annually along with measures taken to mitigate identified risks in such manner as may be prescribed.

(3) Any fiduciary failing to conduct assessments or protect children from systemic harm shall be subject to additional penalties under this Act.”.

4. In section 12 of the principal Act, in sub-section (1), the following provisos shall be inserted, namely:—

“Provided that in case where the Data Principal is a child, the right to request erasure may be exercised by—

(a) the parent or legal guardian of the child, until the child reaches the age of eighteen years;

(b) the child herself, once she reaches the age of eighteen years, provided she has the capacity to make an informed decision regarding her personal data:

Provided further that in the event of a dispute between the child and the parent or guardian, the Data Protection Board of India shall decide on the right to erasing of the personal data of such child.”.

Insertion of new sections 9A and 9B.

Restriction on processing personal data of children by data fiduciaries.

Data Fiduciary to conduct Data Protection Impact Assessment while processing Data of Children.

Amendment of section 12.

STATEMENT OF OBJECTS AND REASONS

The Digital Personal Data Protection Act, 2023 represents a significant step in safeguarding personal data, including that of children. However, the Act leaves several critical issues unresolved, particularly when addressing the digital rights of children, especially those from marginalized backgrounds. In India, where digital literacy remains low, with only twenty per cent of rural populations being digitally literate and many children sharing devices with family members, the parental consent requirement may unintentionally exclude children from engaging in vital online services. As the Report of the Group of Experts on Privacy (chaired by Justice A.P. Shah) and the Report of the Joint Parliamentary Committee on the Personal Data Protection Bill, 2019 highlighted, it is crucial to develop flexible data privacy frameworks that do not impede access to essential digital tools, particularly for children.

Children from marginalized communities often face disproportionate barriers to access, especially in scenarios where parents may not be able to navigate consent procedures due to literacy or technical challenges. The current requirement of rigid parental consent, as prescribed by section 9 of the Digital Personal Data Protection Act, 2023, is overly strict and limits equitable participation for children in educational and developmental platforms.

The age-gating rules, as currently framed, remain unclear, and there is a need for robust age-verification mechanisms that cater to a wide range of platforms with different levels of risk. Given India's diverse socio-economic landscape and aspirations to build a strong digital economy, there is a need to provide alternative, flexible methods of age assurance that go beyond documentary-based methods and incorporate more technology-driven solutions. This can prevent children from being excluded from the digital ecosystem due to logistical challenges, while also ensuring their privacy and safety are maintained.

The need is to amend the Digital Personal Data Protection Act, 2023 with a view to,—

- (a) strengthen the age-verification process through innovative and diverse mechanisms suited to the platform's risk type;
- (b) establish clearer prohibitions on profiling, particularly in online games and services;
- (c) ensure the implementation of Data Protection Impact Assessments (DPIAs) for platforms processing substantial amounts of children's data;
- (d) encourage the use of flexible, digitally authenticated consent systems, such as DigiLocker, that can verify both the child's age and the parent-child relationship in an inclusive and streamlined manner;

The aforesaid amendments will bridge the gap between privacy rights and equitable access, ensuring that no child is excluded from India's growing digital ecosystem due to barriers in parental consent while maintaining robust child privacy protections.

Hence this Bill.

NEW DELHI;
November 11, 2024

JAGDAMBIKA PAL

Bill No. 163 of 2025

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2025.

Short title.

2. In the Eighth Schedule to the Constitution, the existing entries 7 to 22 shall be re-numbered as entries from 8 to 23, respectively, and before entry 8 as so re-numbered, the following entry shall be inserted, namely:

Amendment
of the Eighth
Schedule.

“7. Indian Sign Language.”.

STATEMENT OF OBJECTS AND REASONS

For the Deaf and mute community, sign language is not simply a means of communication it is crucial for securing basic rights and it is a part of belonging to a community. While the estimates of Deaf and mute community in India vary from 1.3 million to 18 million. Measured conservatively, the World Health Organisation estimates around 6.3 million people in India have complete or partial hearing disability. However, of these, less than 2% are believed to have been formally trained in the use of Indian sign language. As a consequence, Indian sign language has been declared “potentially vulnerable” by UNESCO.

Indian sign language has been an endeavour at bringing standardization in the way the deaf and mute population communicates in India. To this end, commendable initiatives have been taken. Indian Sign Language Research and Training Centre was established as the pivot institution to promote the use of Indian Sign Language. It created an Indian sign language dictionary which presently accounts for around 10,000 words drawing from the vocabulary of deaf community around the country. National Education Policy, 2020 intends to formalize and promote the use of ISL. As a consequence, NCERT has initiated the inclusion of ISL in the mainstream educational content.

However, accessibility and availability of quality content, lack of opportunities in professional education in Indian sign language continue to be the primary impediment in the empowerment of the community. A formal constitutional recognition by bringing Indian sign language under the Eighth schedule will go a long way in the empowerment of deaf and mute community. At the same time mainstreaming of ISL will also aid the rest of the population's taking up ISL enabling them to interact with the deaf community. Once the language gets officially recognized, the coming up of enabling infrastructure becomes easier.

The proposed constitutional amendment will also aid the proper implementation of section 16 of the “Rights of Persons with Disabilities Act, 2016” that entrusts upon the State to create enabling conditions for the deaf community to access education. Bringing Indian sign language under the Eighth Schedule will ensure the access to fundamental rights including Right to Freedom of Speech and Expression under article 19, Right to equality under article 14, right to life and liberty under article 21 and ensure dignity for the deaf community in India.

The Convention on the Rights of the Persons with Disabilities to which India is a party, makes it clear that the recognised sign language has equal status as any other spoken language. Hence, this bill will also be in line with India's commitment to the international convention.

It will help to foster a sense of belonging for the community and promote inclusivity, linguistic diversity, educational and employment opportunities, access to information and services and strengthen the identity and cultural heritage of the deaf community in India.

Hence this Bill.

NEW DELHI;
November 11, 2024.

JAGDAMBIKA PAL

Bill No. 265 of 2024

A Bill further to amend the Advocates Act, 1961.

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 Advocates (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, and different dates may be appointed for different provisions of this Act.

2. In section 2 of the Advocates Act, 1961, (hereinafter referred to as the principal Act), in sub-section (1),- Amendment of section 2.

(i) for clause (a) the following clauses, shall be substituted, namely:—

"(a) "advocate" means an advocate entered in any roll under the provisions of this Act and includes an advocate carrying on practice in law with a law firm";

(aa) "Advocates Nurture Fund" means the fund constituted by the Central Government under section 44C to be specifically used for the purposes mentioned under section 44A;";

(ii) after clause (g), the following clause shall be inserted, namely:-

(ga) "junior advocate" means a law graduate who has enrolled with the bar council of any State or Union Territory of India and who has passed All India Bar Exam (AIBE) conducted by Bar Council of India, a statutory body constituted under the advocates act, 1961 and whose annual income does not exceed rupees two lakh per annum;";

3. After section 44 of the principle Act, the following sections shall be inserted, namely:— Insertion of new sections 44A and 44B.

"CHAPTER - VA
SOCIAL SECURITY BENEFITS

44A. (1) The Central Government shall, in consultation with the Bar Council of India, formulate and notify, from time to time, suitable welfare schemes for practicing lawyers on matters relating to,- Nurture Schemes for Practising Lawyers.

(a) life insurance cover up to the age of fifty years;

(b) health benefits;

(c) stipend for junior advocates;

(d) group health insurance cover;

(e) compensation in case of death; and

(f) any other benefits as may be determined by the Central Government.

(2) The State Government may, in consultation with the State Bar Council formulate and notify, from time to time, suitable welfare schemes for practicing advocates, including schemes relating to—

- (a) chamber building;
- (b) organization of seminars, lectures symposiums for knowledge re-orientation; and
- (c) the organization of other scheme for the nurture of needy Advocates.

44B. The Central Government shall, in consultation with the Bar Council of India, formulate and notify, from time to time, suitable stipend scheme for junior advocates for a period of three years or till starting independent practice or till he reaches the age of twenty-seven years, whichever is earlier, from the date of passing the All India Bar Exam (AIBE).

Stipend for
Junior
Advocates.

44C. (1) The Central Government shall, by notification in the Official Gazette constitute a fund to be called the “Advocates’ Nurture Fund” which shall be managed by the Central Government in consultation with the Bar Council of India in such manner as may be prescribed.

Constitution of
the Advocates
Social Nurture
Fund.

(2) The Fund shall be made up of,-

- (a) any grants made to the Fund by the Central Government;**
- (b) all contributions made to it by the Bar Council of India and State Bar Councils;
- (c) any voluntary donation or contribution made to the Fund by any Advocate, including any sum received from the insurance company on the death of an Advocate insured under the group life insurance policy where such Advocate had nominated the Trustees Committee as the person to whom the money secured by the policy shall be paid in the event of his death;
- (d) any profits or dividends received from the insurance company in respect of the policy of group life insurance of Advocates;

(e) any interest or dividend or other return or any investment made in respect of any part of the Fund; and

(f) all admission fees and annual subscription for membership of the Scheme received and interest, if any, thereon.”.

STATEMENT OF OBJECTS AND REASONS

In spite of the various court(s) noting the plight of talented junior advocates leaving advocacy on account of financial instability, there have been very less progress on that front..

In a recent research by Vidhi Centre for Legal Policy, which sowed that more than “79 per cent of the advocates across seven high courts with less than two years of legal practice at the Bar are earning less than Rs. 10,000/- per month”. The numbers of young advocates who are entering Litigation ae on decline because of the sole reason of lack of institutional financial support.

Majority of advocates at the High Courts of Allahabad, Bombay, Kerala, Madras and Patna were of the opinion that young lawyers earned between rupees two thousand and rupees five thousand per month, during their first two years of practice.

Advocates, as architects of justice, play a crucial role in ensuring society remains intact and justice is served. In their tireless pursuit for upholding justice, advocates remind us that justice s not just a concept but a way of life;

This seeks to amend the Advocates Act, 1961 with a view to constitute Advocates’ Nurture Fund and the rules for the disbursement funds to be made by the Central or the State Government to creates a financial security net for the advocates who have retired from practicing because of their age or illness and to the young lawyers who have just started out in the profession for their sustenance.

Hence this Bill.

OMPRAKASH BHUPALSINH alias
PAVAN RAJENIMBALKAR

New Delhi
November 11, 2024.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Advocates' Nurture Fund to be managed by the Central Government. It also provides for the Central Government to provide grants for the fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage it is not possible to calculate the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

Bill No. 258 of 2024

*A Bill to amend the Chief Election Commissioner and other Election Commissioners
(Appointment, conditions of service and term of office) Act, 2023.*

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 Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) 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.

2. Section 5 of the Chief Election Commissioner and other Election Commissioners Appointment, conditions of service and term of office Act, 2023, hereinafter referred to as the principal Act, shall be omitted.

Omission of
section 5.

Substitution of
new section for
section 6.

Search
Committee.

3. For section 6 of the principal Act, the following section shall be substituted, namely:—

“(1) The Selection Committee shall for the purposes of selecting the Chief Election Commissioner or Election Commissioners and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least five persons of standing and having special knowledge and expertise in the matters relating to public administration, vigilance, policy making, law and election management or in any other matter which, in the opinion of the Selection Committee, may be useful in making the selection of the Chief Election Commissioner and the Election Commissioners:

Provided that not less than two members of the Search Committee shall be from amongst the persons belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or Minorities or Women.

(2) The term of the Search Committee referred to in sub-section (1), the payment and allowances payable to its members and the manner of selection of the panel of names shall be such as may be prescribed by the Selection Committee.”.

Amendment of
section 7.

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

“(1) The Chief Election Commissioner and other Election Commissioners shall be appointed by the President on the recommendation of a Selection Committee consisting of—

- (a) the Prime Minister—Chairperson;**
- (b) the Leader of Opposition in the House of the People—Member;**
- (c) a Union Cabinet Minister to be nominated by the Prime Minister—Member;**
- (d) the Leader of Opposition in the Council of States—Member;**
- (e) the Chief Justice of India or any Judge of the Supreme Court of India to be nominated by him —Member”**

Explanation.—For the purposes of removal of doubts, “the Leader of the Opposition in the House of the People” or “the Leader of the Opposition in the Council of States” shall, when no such leader has been so recognized, mean the Leader of the single largest opposition party in the House of the People or the Council of States, as the case may be.”.

STATEMENT OF OBJECTS AND REASONS

Article 324 of our constitution envisages the Election Commission of India (ECI) to be an independent constitutional body, vested with the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President of India in the Election Commission. The Supreme Court of India has in various landmark cases underlined that free and fair elections to be part of the basic structure of our constitution. In the Constituent Assembly debates, Dr. B.R. Ambedkar pointed out that the election machinery should be out of the control of the Government. Members of the Constituent Assembly agreed to leave the appointment mechanism of the ECI to the discretion of Parliament. With the unfolding of democratic processes in Independent India, several reforms were perceived to improve the working of the Election Commission of India. To this extent, the Goswami Committee, the National Commission on the Review of the Working of the Constitution, the Law Commission as well as reforms from the Election Commission have been proposed. In 1991, Parliament passed the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act. The Act set the salary of the Chief Election Commissioner (CEC) and Election Commissioners (ECs) at the same level as a Supreme Court judge. It did not provide for their appointment process, which continued to be decided by the President. In *Anoop Baranwal vs. Union of India* case during March 2023, the Supreme Court declared that CEC and ECs' appointment should be independent of Executive control and not done solely by the Executive. It mandated a selection process, which would hold until Parliament makes a law. The Court directed that the appointment should be done by the President on the recommendation of a Selection Committee. The Selection Committee will consist of: (i) the Prime Minister, (ii) the Leader of Opposition in Lok Sabha, and (iii) the Chief Justice of India. The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023, was introduced in Rajya Sabha on August 10, 2023 and assented on December 28, 2023. It repeals the 1991 Act and provides for the appointment process and conditions of services for the CEC and ECs.

The Act however has many issues and the Bill therefore, seeks to amend the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 with a view to introduce following changes—

i. To ensure that suitable candidates apart from senior bureaucrats also have an opportunity to be a part of the ECI, given that CECs and ECs also perform *quasijudicial* functions. It is also to be noted that often qualifications of members of constitutional bodies and statutory bodies are not mentioned, allowing career experts an opportunity to introduce systemic reforms. For example, many Reserve Bank of India governors who were career economists introduced institutional changes. Section 5 of the principal Act has been proposed to be repealed with a view to expand the consideration of eligibility of candidates to lead the ECI, in order to maintain best practices for free and fair elections.

ii. In consonance of the proposed repeal of Section 5, the proposed amendments of section 6 broadens the ambit of the Search Committee. The membership of the Search Committee has also been made inclusive to reflect the considerations of all communities.

iii. Amendments to Section 7 is to fulfill the aspirations of the constitution drafters. Upon careful perusal of the Constituent Assembly debates, the eloquent speeches of Pandit Hriday Nath Kunzru and Prof. Shibban Lal Saxena, underlined the need to appoint a person as the Chief Election Commissioner or the Election Commissioner who should be able to command confidence of a majority of both the Houses of Parliament. In principle, one could say that the CEC and ECs appointed should be such as to be acceptable across the political spectrum. As mentioned above, the *Anoop Baranwal* case had instituted the judiciary to be a part of the selection process. A precedent can also be observed in South Africa with the President of its Constitutional Court as the Chairperson of the Selection Committee of the South African Election Commission. Such precedents are important given the fact that our

constitutional drafters had adopted key constitutional aspects from South Africa, namely the election process of Rajya Sabha and process of constitutional amendment.

It is, therefore, proposed to introduce a Bill to provide for establishing a comprehensive, transparent, objective and a non-partisan procedure for appointing the Chief Election Commissioner and Election Commissioners, fulfilling the binding judgments from the Supreme Court as well as the vacuum outlined by the Goswami Committee, NCRCW and the Law Commission and importantly, the Election Commission of India.

Hence this Bill.

NEW DELHI;

VISHALDADA PRAKASHBAPU PATIL

November 11, 2024.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Search Committee to shortlist prospective candidates for appointment as Chief Election Commissioner or Election Commissioners. It also provides for the fees and allowances payable to members of the Search Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees forty lakh per annum will be involved from the Consolidated Fund of India.

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

Bill No. 245 of 2024

A Bill to provide for prevention of violence against journalists and protection of journalists, their properties 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 Journalist (Prevention of violence and protection) Act, 2024.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

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

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

(c) “property” means any property movable or immovable, owned or in possession of or under the control of any journalist or any Institution for discharging his service or duty as a journalist;

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

(e) “witness” means an observer, on-looker, spectator or any other person ordinarily present at ‘*locus-delicti*’ irrespective of his affinity to the journalist in question; and suffers any loss or damage by virtue of his presence at the place of offence;

(f) “Special Court” means a court designated as such under section 9;

(g) “Special Public Prosecutor” means a Public Prosecutor appointed under section 13 ; and

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

(2) The words and expressions used herein and not defined but defined in the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita 2023 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Sanhita or the Acts.

CHAPTER II

SAFEGUARD PROVISIONS TO JOURNALISTS

Penalty and compensation.

3. (1) Whoever commits or attempts to commit or abets or incites the commission of any act of violence against a journalist, shall be punished with imprisonment for at least two years and which may extend upto four years or with imprisonment of either description of a term which shall not be less than two years and which may extend upto four years and shall also be liable to pay fine which shall not be less than rupees ten thousand but which may extend upto rupees five lakh in addendum to recovery of the entire damage to the property or belonging of all concerned including the witness if any;

(2) In addition to the punishment specified under sub-section (1), the offender shall be liable to pay compensation for damage or loss caused to the property of journalist as may be determined by the Court and he shall also be liable to reimburse medical expenditure incurred by the journalist:

Provided that if the offender fails to pay the compensation and medical expenditure imposed, the same shall be recovered as per the existing provisions of the Bharatiya Nyaya Sanhita, 2023 and his property may be attached for recovery of the said penalty.

Cognizance of offence.

4. Any offence committed under this Act shall be cognizable and non-bailable.

CHAPTER III

DISTRICT BOARD FOR JOURNALISTS TO BE CONSTITUTED UNDER THE ACT

Constitution of District Board for Journalists.

5. (1) The Central Government shall, by notification in the Official Gazette, within a period of six months from the date of commencement of this Act, constitute a District Board for Journalists consisting of the following members, namely:—

(a) the senior-most Member of Parliament of the House of the People elected from the district, nominated by the Government of India, as the Chairperson, however, the Warrant of Precedence maintained by the Ministry of Home Affairs should be followed, which may result in exceptions, such as in case the Member of Parliament from the Council of States is senior following the Warrant of Precedence maintained by the Ministry of Home Affairs, he may be made as Chairperson:

Provided that if the district has more than one Parliamentary Constituency for the House of the People as its segments and the senior-most Member of Parliament of the House of the People is made Chairperson of a District Board in some other district, the next senior-most Member of Parliament of the House of the People should be the Chairperson:

Provided further that in case of same seniority, the Chairperson should be the Member of Parliament in whose Parliamentary Constituency the largest geographical area of the district falls;

(b) the other Members of Parliament of the House of the People representing the district should be designated as Co-Chairpersons:

if a Member of Parliament of the Council of States representing the State and exercising the option to be associated with the District Board of that district (on first come basis), he is to be designated as Co-Chairperson by the Central Government;

(c) all Members of the State Legislative Assembly Elected From District;

(d) one representative of the State Government/ UT Administration;

(e) six persons to be nominated by the Central Government from amongst eminent journalists, experts in media law, media rights organization, cybersecurity and mental health including at least two representatives of the Scheduled Tribes, Scheduled Castes, and women;

(f) the district collector shall be the member secretary;

(g) the superintendent of police of the district; and

(h) the district information officer.

(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clause (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

6. (1) It shall be the duty of the District Board to promote the welfare and professional development of journalists in the district by such measures as it thinks fit.

Functions of the District Board.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

(a) coordinating with State and National level bodies to implement welfare schemes and initiatives for journalists;

(b) addressing local issues affecting journalists, such as workplace safety, harassment, and economic challenges;

(c) facilitating training and capacity-building programs for journalists to enhance their skills and knowledge;

(d) monitoring the implementation of media laws and regulations at the district level;

(e) resolving disputes and grievances of journalists within the district;

(f) promoting ethical journalism and media literacy;

(g) collaborating with local authorities to ensure the safety and security of journalists;

(h) organizing workshops and seminars on relevant topics for journalists; and

(i) providing legal aid and counselling services to journalists.

Procedure to be followed by the District Board.

7. (1) The Board shall meet at least once every quarter of an year at such place as the Chairperson may direct.

(2) The Board shall regulate its own procedure (including the quorum)

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

Central Government to provide funds.

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

CHAPTER IV

SPECIAL COURTS

Designation of Special Courts.

9. (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1), with which the accused may, under the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) be charged at the same trial.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000 (21 of 2000) shall have jurisdiction to try offences under Information Technology Act, 2000 (21 of 2000) in so far as it relates to publication or transmission of material depicting journalists in any act, or facilitates abuse of journalists online.

Presumption as to certain offences.

10. Where a person is prosecuted for committing or abetting or attempting to commit any offence under section 3 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

Presumption of culpable mental state.

11. (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

Special Public Prosecutors.

12. (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) and provision of that Code shall have effect accordingly.

CHAPTER V

PROCEDURE AND POWERS OF SPECIAL COURTS
AND RECORDING OF EVIDENCE

13. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

Procedure and powers of Special Court.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the journalist, communicate the questions to be put to the journalist to the Special Court which shall in turn put those questions to the journalist.

(3) The Special Court shall ensure that the journalist is not called repeatedly to testify in the court.

(4) The Special Court shall not permit aggressive questioning or character assassination of the journalist and ensure that dignity of the journalist is maintained at all times during the trial.

(5) The Special Court shall ensure that the identity of the journalist is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the journalist.

Explanation.—For the purposes of this sub-section, the identity of the journalist shall include the identity of the journalist's family, professional details, neighbourhood or any other information by which the identity of the journalist may be revealed.

(6) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the journalist for any physical or mental trauma caused.

(7) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) for trial before a Court of Session.

14. (1) The evidence of the journalist shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

Period for recording of evidence of journalist and disposal of case.

(2) Every petition presented before the Special Court shall be dealt with and disposed of by it as expeditiously as possible and every endeavour shall be made by the Special Court, for the disposal of such petition within six months from the date of taking cognizance of the offence.

(3) Where any petition is not disposed of within the period specified in sub-section (2), the Special Court, shall record the reasons for not disposing of the petition, within the period so specified; and the presiding officer, as the case may be, may, after taking into account the reasons so recorded, extend the period referred to in sub-section (1) by such period not exceeding ninety days as he may consider necessary.

CHAPTER VI

MISCELLANEOUS

15. The provisions of the Bharatiya Nagarik Suraksha Sanhita 2023 (Act No. 46 of 2023) shall apply to the proceedings as per the provisions of the Act.

Application of The Bharatiya Nagarik Suraksha Sanhita.

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

Act to supplement other laws.

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

Act to have overriding effect.

Power to make
rules

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

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

STATEMENT OF OBJECTS AND REASONS

As we step into the 78th year of our independence, the role of the fourth pillar of democracy holds a great sense of importance. The Supreme Court has repeatedly recognized the freedom of the press as a fundamental right under Article 19(1)(a) of the Indian Constitution, underlining the importance of a free and fearless press for a democratic society.

However, journalists in India are increasingly facing a range of threats, including physical violence, intimidation and legal harassment. These attacks undermine the fundamental right guaranteed by Article 19(1)(a) of the Constitution. The climate of fear and intimidation has a chilling effect on independent journalism, hindering the free flow of information and public discourse.

Fortunately, this period has also witnessed a marked rise in the global awareness in improving the safety and protection for journalists. The press needs to work together with the government and a good sense of understanding amongst will bring forth a renewed sense of understanding between the fourth pillar and the other three to ensure that the right to be informed stands true. Additionally, in order to prevent any act of violence against journalists and to create a safe environment for the effective functioning of media, the governments, both at the Centre and State level, particularly at grassroot level, need to improvise and employ new legal remedies and strategies to strengthen the security and safety accorded to journalists in India, hence the proposed authorities and special courts to expedite speedy trials.

As mentioned earlier, safety and security of journalists are crucial elements for safeguarding the right of the people to be informed. Any acts of violence against journalists, in relation to their work is a direct violation of peoples' right to be informed. However, one should also keep in mind that all rights, legal or moral, come with responsibilities. A right is only qualified only if it is exercised responsibly and the right to freedom of expression is not an exception. Free media's primary responsibility should be to empower the society and strengthen democracy. It should play an active role in enhancing social and religious harmony and uphold human rights and to fight corruption and reduce social injustice without challenging the national security of the country.

Moreover, there is no Union legislation for journalists in this regard, to fill this legal void and safeguard the vital role of journalists in a democratic society, it is imperative to enact legislation that prevents violence from journalists and provides them a safe environment to flourish. The Bill seeks to address these pressing issues by providing a legal framework to prevent such attacks and ensure the safety of journalists.

Hence this Bill.

NEW DELHI;
November 12, 2024

VISHALDADA PRAKASHBAPU PATIL

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of the District Board for Journalists, to promote the welfare and professional development of journalists. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law on this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred crore of recurring expenditure per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 18 of the Bill empowers the Central Government to make rules for carrying out the purpose of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

Bill No. 260 of 2024

A Bill further to amend the Wild Life (Protection) Act, 1972

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 Wild Life (Protection) 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.

53 of 1972.

2. In section 2 of the Wild Life (Protection) Act, 1972, (hereinafter referred to as the principal Act), for sub-section (16A), the following sub-section, shall be substituted by—

Amendment of section 2.

“(16A) invasive species” means a species of animal or plant that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.”.

3. In section 17A of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:-

Amendment of section 17A.

“Provided further that nothing in this section shall prevent the removal or destruction of invasive species, as identified by the Invasive Species Control Bureau, from any forest land or specified area.”.

4. In section 29 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:-

Amendment of section 29

“Provided further that the destruction of invasive species, as identified by the Invasive Species Control Bureau, may be permitted under a permit granted by the Chief Wild Life Warden, subject to such terms and conditions as may be specified.”.

5. In section 40A of the principal Act, after sub-section (3), the following sub-section, shall be inserted, namely: —

Amendment of section 40A

“(3A) The Central Government may, by notification, grant immunity from prosecution to any person who, prior to the declaration of a species as invasive, unintentionally caused harm to such species, provided that such harm was not caused with gross negligence or willful intent.”

6. Section 62A of the principal Act shall be omitted.

Omission of section 62A.

7. After Section 62A of the principal Act the following section shall be inserted, namely: —

Insertion of new section 62AA, 62AB, 62AC, 62AD and 62AE.

“62AA. (1) The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Invasive Species Control Bureau, to identify and regulate or prohibit the import, trade, possession or proliferation of invasive species which pose a threat to the wild life or habitat in India, consisting of—

Constitution of Invasive Species Control Bureau.

- (a) the Director of Wildlife Preservation—Director ex officio;
- (b) the Inspector-General of Police—Additional Director;
- (c) the Chairperson of Invasive Species Committee—Additional Director ex officio;
- (d) the Deputy Inspector-General of Police—Joint Director;
- (e) the Deputy Inspector-General of Forests—Joint Director;
- (f) the Additional Commissioner (Customs) and Central Goods and Services Tax—Joint Director; and
- (g) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

(2) The members (except members ex officio) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

“62AB. (1) Subject to the provisions of this Act, the Invasive Species Control Bureau shall take measures with respect to—

Power and functions of the Invasive Species Control Bureau.

(i) collection and collation of information related to the introduction, spread, and impacts of invasive species, and to disseminate the same to State and other enforcement agencies for immediate action, so as to regulate the population of invasive species and identify invasive species to establish a centralised invasive species data bank, in consultation with the Invasive Species Advisory Committee, as per sub-section (2) of section 62AD of this Act;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for control of invasive species;

(v) development of infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes, in coordination with the Invasive Species Advisory Committee;

(vi) monitoring and the effectiveness of invasive species management programs; and

(vii) advising the Government of India on issues relating to invasive species having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Invasive Species Control Bureau shall exercise:

(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) such other powers as may be prescribed.”

“62AC. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the Invasive Species Committee, to advise the Invasive Species Control Bureau on the identification, assessment, and management of invasive species.

Constitution of
Invasive Species
Committee.

(2) The Invasive Species Committee shall consist of the following members, namely:—

(a) Chairperson, who shall be an eminent person having adequate knowledge, expertise and experience in the conservation and wildlife protection and in matters relating to invasive species, to be appointed by the Central Government;

(b) sixteen ex officio members to be appointed by the Central Government, representing the Ministries dealing with—

- (i) Agricultural Research and Education;
- (ii) Agriculture and Farmers Welfare;
- (iii) Ayurveda, Unani, Siddha, Sowa Rigpa, Yoga and Naturopathy and Homoeopathy;
- (iv) Commerce and Industry;
- (v) Environment and Climate Change;
- (vi) Forests and Wildlife;
- (vii) Indian Council of Forestry Research and Education;
- (viii) National Bureau of Fish Genetic Resources;
- (ix) Zoological Survey of India;
- (x) Botanical Survey of India;
- (xi) Wildlife Institute of India;
- (xii) Science and Technology;
- (xiii) Tribal Affairs;

(c) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;

(d) five non-official members to be appointed from amongst experts including legal experts and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, wildlife protection and invasive species, representatives of industry, conservers, creators and knowledge-holders of biological resources; and

(e) a Member-Secretary, who shall have experience in matters relating to wildlife protection from the impact of invasive species, to be appointed by the Central Government.

(3) The members (except members ex officio) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed. “

“62AD. (1) It shall be the duty of the Invasive Species Committee to advise the Invasive Species Control Bureau and the Central Government on the identification, assessment, and management of invasive species, by measures as it thinks fit.

Functions of the Invasive Species Committee.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein shall provide for—

(a) developing and adopting scientific criteria for identifying and assessing invasive alien species, considering factors such as, potential ecological impacts, economic costs, social consequences, geographic distribution, pathways of introduction, dispersal potential and any other factor, as it may seem fit; and

(b) establishing a transparent process for proposing, evaluating, and listing (or delisting) invasive alien species, including public consultation and stakeholder engagement, peer review of scientific assessments, and annual review and updating of the list of invasive alien species with the Invasive Species Control Bureau.

“62AE. (1) State Governments may, in consultation with the Invasive Species Committee, notify species not specified under Schedules I, II, III, and IV of this Act, as invasive within their respective jurisdictions for a period not exceeding two hundred days;

Declaration of certain wild animals as invasive species.

(2) if subsequent to the initial notification mentioned under sub-section (1), circumstances necessitate an extension, the State Government, in consultation with the Central Government, issue a further notification extending the period of the initial notification for a period not exceeding one hundred days;

(3) subsequent extensions may be granted by the Central Government, in consultation with the Invasive Species Committee, for periods not exceeding ninety days each, provided that the total duration of the initial notification and all extensions shall not exceed two years.”.

8. In section 63 of the principal Act, in sub-section (1), after clause (k), the following clauses shall be inserted, namely: —

Amendment of section 63.

(ka) the matters to be prescribed under sub-section (2) of section 62AA;

(kb) the matters to be prescribed under Cl (i) of sub-section(1) and Cl. (ii) of sub-section (2) of section 62AB;

(kc) the matters to be prescribed under sub-section (3) of section 62AC;

(kd) the matters to be prescribed under sub-sections (1) and (2) of section 62AD;

(ke) the matters to be prescribed under sub-sections (2) and (3) of section 62AE.”.

STATEMENT OF OBJECTS AND REASONS

The impact of invasive species is a gravely pressing matter in terms of research, economic, environmental impact and legislations. Many parts of India are affected by invasive species, especially the Andaman Islands. Many scientists fear that endemic species of the islands might have to face the fate of the lonesome Galapagos tortoise which went extinct due to invasive species. While India has several general laws to tackle the issue of invasive species, it is not specific and is left open to interpretation by concerned authorities. This sort of open interpretation would be detrimental to the action taken as not all officers may have the required scientific background for the same, and even if the officer may wish to take action there is no clear way ahead on what to do once the invasive species is caught. Moreover, since a proper definition of invasive species is lacking in the current Wild Life (Protection) Act, 1972, it is not addressing the fact that invasive species must be defined in terms of the concerned ecosystem and the considerable harm it has on the environment it is released or public health or economy. As per international standards, majority of the invasive animal species are of least concern in IUCN's Red List and Unlisted except the Indian Bullfrog to belong to Appendix II of CITES. This may allow the state to execute laws on invasive species with certain independence. However due to lack of specific research data is insufficient in many regions so the extent of problem is not clear pushing back chances of specific legislations. For example, we have Plant Quarantine (Regulation of Import into India) Order 2003, due to adequate research. Unfortunately, this is not the case with other species. For example, fish research in India has been done only with captured groups and not those found in the wild. Action taken by Government both at Union and States is not healthy, for example the Judiciary has expressed its displeasure at slow pace of work in this field, as was observed in the Madras High Court. This is due to the responsibility of managing invasive species in hands of multiple agencies and their lack of coordination and a public centralized database access.

This is a matter of concern as India had adopted the Convention on Biological Diversity's (CBD) Aichi Target 9 as its National Biodiversity Target 4 – i.e., to identify invasive alien species and their pathways of introduction, and to develop strategies to manage prioritised invasive alien species by 2020. In addition to this, India has also submitted 23 targets under the Kunming-Montreal Global Biodiversity Framework, CBD pledging to reduce rates of introduction and establishment of invasive alien species by 50 per cent. by 2030. Therefore, keeping these mutli-faceted lacunae in mind, the basis of actions has been bolstered as a whole so that India can successfully report in the next upcoming COP its achievement of the above targets, via-

- (i) including definition of invasive species
- (ii) Omitting section 62 of the Act and introducing a comprehensive structure to regulate or prohibit the import, trade, possession or proliferation of invasive species, with: –
 - a. the Invasive Species Committee, a research wing with diverse yet relevant representations dedicated to invasive species, cross-ministerial, institutes, experts, etc, outlining a well-considered scientific and transparent process for proposing, evaluating, listing (and delisting as well) invasive species, along with enabling provisions directing the formulation of specific management measures, which is proposed to embolden; and

- b. the Invasive Species Control Bureau, a converging body with officials from relevant services tasked with the mission to regulate invasive species and identify and thereby create a database on invasive species in India as well as to advise the Centre from time to time on important policy matters to keep in cognizance to achieve international commitments; and

(iii) Allowing State governments to declare invasive species with deadlines, extendable with reasonable conditions

Hence this Bill.

NEW DELHI;

VISHALDADA PRAKASHBAPU PATIL

November 13, 2024.

FINANCIAL MEMORANDUM

Clause 7 of the Bill vide proposed section 62AA provides for Constitution of Invasive Species Control Bureau. It also vide proposed section 62AC provides for constitution of Invasive Species Committee. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred of recurring expenditure per annum would be involved from the Consolidated Fund of India.

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

Bill No. 270 of 2024

A Bill to make provision in relation to freedom of speech and academic freedom in higher Education school, Graduate School, Universities, other educational institutions and in students' unions and for matters connected therewith;

WHEREAS promoting amongst the citizens equality, fraternity and assuring dignity of an individual is enshrined as one of the goals in the Preamble to the Constitution of India;

AND WHEREAS, the free speech is one of the foundations of the Constitution;

AND WHEREAS, the freedom of speech is enshrined in the Fundamental Rights enshrined in Part III of the Constitution:

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 Higher Education School, Graduate School and University (Freedom of Speech) Act, 2024.

(2) It extends to the whole of India.

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

Short title, extent
and
commencement.

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) "education provider" means an organization or individual that offers education or related services, support, or assistance;

(c) "Governing Body" means a group of people who formulate the policy and direct the affairs of a higher education school, graduate school or a University in partnership especially on a voluntary or part-time basis as constituted under section 5;

(d) "graduate school" means a higher education school that offers advanced academic degrees and other qualifications, such as certificates and diplomas;

(e) “higher education school” means the level of education that follows secondary education and provides advanced academic and professional knowledge and skills;

(f) “prescribed” means prescribed by Rules made under this Act;

(g) "Student Union" means a student-led organization that represents students at a college or a university;

(h) “University” means an institution that provides the highest level of education, in which students study for degrees and in which academic research is done;

3.(1) The governing body of a registered higher education provider shall take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective for the,-

Duty to take steps to secure freedom of speech.

(a) academic workers, academic staff, security and other staff of the education provider;

(b) members of the education provider;

(c) students, interns and other pupils of the education provider;

(d) teaching faculty, professors and other educators etc. of the education provider; and

(e) visiting speakers, lecturers and others of the education provider.

4. The Freedom of speech referred to means,-

(a) in relation to an individual, their ideas, their research, their beliefs or views;

(b) in relation to a body, its policy or objectives or the ideas, beliefs or views of any of its members;

(c) freedom in respect of access to all information;

(d) freedom as to publication of articles;

(e) freedom as to circulation of information in all means;

(f) freedom in expression of speech, writing, art, culture and actions;

(g) to question and test received wisdom; and

(h) to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways.

5. The governing body of a registered education provider shall consist of,-

Constitution of the governing body.

(a) the Principal or the Dean of the education provider;

(b) one trustee of the education provider; and

(c) one member who shall be a woman.

6. Every students' union for students at a registered education provider that is eligible for financial support shall,-

Duty of Student Unions.

(a) take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective.

(b) uphold the values relating to freedom of speech and expression; and

(c) forward complaints to the governing body in such manner as may be prescribed with regard to freedom of speech.

7. (1) No complaint against violation of freedom of speech shall be referred to the Governing Body under this Act,-

Complaints when to be registered.

(a) unless the complainant has exhausted any internal procedure for the review of complaints which is provided by the registered education provider, or students' union;

(b) if the subject-matter of the complaint is being, or has been, dealt with in another student complaint; and

(c) if proceedings relating to the subject-matter of the complaint, to which the complainant is or was a party, are being, or have been, dealt with by a court or tribunal.

(2) Every complaint regarding violation of freedom of speech shall be filed speech with-in a time limit specified in this behalf by the governing body.

8. (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for carrying out the provisions of this Act.

Power to issue directions.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the governing body regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the governing body regarding implementation of the provisions of this Act.

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

Power to make rules.

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

(a) guidelines for the practices of the student union;

(b) internal grievance redressal system or complaint system;

(c) manner and limit for hearing the complaints;

(d) composition of the committee of the General body to hear the complaints; and

(e) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules;

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House;

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

Power to remove difficulties.

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

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

STATEMENT OF OBJECTS AND REASONS

In pursuance of Article 19 of the Constitution, it is necessary to guarantee and protect the Freedom of Speech of students in an academic institution.

Freedom of speech is enshrined in the Constitution of India and forms an integral part of the Constitution. Freedom of speech lies at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible. The Constitution guarantees it's citizens the right to form associations or unions. Citizens have the freedom to form social, cultural, economic, or political associations or unions.

Providing for freedom of speech for students in academic institutions which include graduate school, high school, universities and other academic institutes of this country is very crucial to encourage participation of students and youth in nation building for the holistic development of academic institutes, fair and equitable discussion of intellectual dialogue among is the need of hour students. Also to provide exchange of ideas whether written, oral, virtual, or visual representations, gestures and other means of expressions is a necessity. The proposed Bill seeks to instill mechanism in the education institutions which will ensure the freedom of speech and expression in these places and also provide for mechanism to address grievances related to violation of freedom of expression.

Hence this Bill.

NEW DELHI;
November 12, 2024.

GOWAAL K. PADAVI

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 271 of 2024

A Bill to provide for the proper and adequate allocation of central funds in the tribal Component in proportion to the location, population and problems of the Scheduled Tribes spread across the country and to overcome the fluctuations, the variations, to keep track of receipts and expenditures and to seek maximum utilization of funds that has been laid down in Scheduled Tribe Component outlay over the years.

WHEREAS, promoting amongst the citizens equality, fraternity and assuring dignity of an individual is enshrined as one of the goals in the Preamble of the Constitution of India;

AND WHEREAS, the welfare of the Scheduled tribes is of utmost importance and for promoting and appreciation of their fundamental rights enshrined in part III of the Constitution;

AND WHEREAS, the discrepancies seen in allocation and expenditure of the funds of Central plan outlay in the Tribal Component for country of India over the years has not improved the conditions of Scheduled Tribes of India;

AND WHEREAS, with a view to ensure there is allocation of tribal funds which is to be provided to Scheduled Tribes in the scheduled areas of the country 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 Scheduled Tribe Component (Planning, Allocation and Utilization of Financial Resources), Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India;

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

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

Definitions.

(a) "Department" means a Government Department entrusted with the implementation of the tribal component or schemes for the development of the Scheduled Tribes;

(b) "Gaps in development" means differences in development indicators of the Scheduled Tribes when compared to the state averages, as may be prescribed particularly relating to human and economic development;

(c) "General Schemes" means schemes included in the annual Plans of the Departments which benefit all social groups including the Scheduled Tribes;

(d) "Government" means, the Government of India;

(e) "Nodal Agency" means the committee headed by Minister of Tribal Affairs;

(f) "Nodal Department" means Tribal Affairs Department of Tribal Affairs Ministry;

(g) "Notification" means notification published in the India Gazette and the word, "Notified" shall be construed accordingly;

(h) "Prescribed" means prescribed by rules made under the Act;

(i) "National Council" means the National Council for Development of the Scheduled Tribes constituted under section 13;

(j) "Scheduled Tribes" shall have the meanings assigned respectively under clause (25) of Article 366 and Article 342 of the Constitution of India;

(k) "Tribal Component" means the Plan approved by the National Council for inclusion in the Annual Plan of the Department to bridge the gap in development of Scheduled Tribes and shall include the Scheduled Tribe component of general schemes;

(l) "Tribal Component Fund" means a portion of the Total outlays of the Nation, in a financial year, as earmarked under section 3;

(m) "Tribal Component Schemes" means the Tribal Component schemes included in the Tribal Component of the Departments;

(n) "Scheduled Tribe habitation" means any habitation where population of Scheduled Tribes is not less than 40% of the total population.

(o) "Scheduled Tribe Component" means Tribal Component (earlier called TSP);

(p) "Tribal Advisory Council (TAC)" means Council constituted under the Fifth Schedule of the Constitution of India;

3. The Central Government shall, in every financial year, earmark in such manner as may be prescribed, a portion of the total outlays of the Scheduled Tribe Component which shall be proportionate to the Scheduled Tribe population of the country, to be called as Tribal Plan Fund.

Earmarking of the Tribal Component from Plan outlays.

Provided that in case of unspent amount out of allocation in a particular financial year, the same may be added to the next year allocation, but shall not be carried further beyond that year;

Provided further that, the Fund to be earmarked shall be determined at least three months prior to the commencement of the next financial year;

Provided also that, the Tribal Component Fund outlay shall be revised according to Central annual Plan final outlay;

Provided also that the expenditure of the Tribal Component fund shall be accounted for in the manner, hereafter specified in this Act.

4. The Nodal department shall, for every financial year, communicate, in the manner prescribed, to the other department, a tentative plan out layout of Tribal Sub Plan Fund as earmarked under section 3 for preparation of respective department-wise Tribal Sub-Plan.

Communication of plan outlays earmarked as Tribal Component to the department. Schemes to be included under the Tribal Sub-plans.

5. The Sub-Plans of the departments shall include only such schemes that secure direct and quantifiable benefit to the Scheduled Tribes individuals, Scheduled Tribes households or the/Scheduled Tribes habitations or Tribal areas and that have the potential to bridge the gaps in the development, following the norms laid down in this Act and the rules made there under.

6. The departments shall ensure coverage of the Scheduled Tribes in the ongoing general schemes consistent with their eligibility for the same. Obligation to cover the Scheduled Tribes in general schemes.
7. On receipt of communication under section 4, each department, shall after estimating the gaps in the development of the Scheduled Tribes, prioritize the development needs of the Scheduled Tribe through a consultative process, as may be prescribed, and shall formulate Tribal Component schemes and prepare the Sub-Plans comprising of the Tribal Component schemes within the Centre Plan priorities communicated under section 4. Formulation of Tribal Component schemes and preparation of sub-plans by the Department.
8. Each Department, excluding the departments separately notified under this Act, shall submit, each year to the Nodal Department, the Sub-Plans comprising of the Tribal Component Schemes proposed to be included in the annual plans, for appraisal by the Nodal Agency concerned, within such time frame and in such format, as may be prescribed. Submission of sub-plans proposed to be included in the Annual plan for appraisal.
9. The Nodal Agency for Tribal Sub-Plan, shall take up appraisal of the Tribal Component schemes respectively submitted by departments, to ensure conformity with the provisions of this Act. Appraisal of the Tribal component scheme by the Nodal Agencies.
10. The annual Tribal Component approved by the National Council shall be included in the Demands for Grants of the departments under the relevant head of account for the Tribal Sub-Plan. Budget allocations.
- 11. There shall be an exclusive Secretary in Ministry of Finance, Department of Finance for performing the functions relating to budget implementation and allocation according to the provisions of this Act within the overall discipline of the ways and means, whose position shall be determined by the Finance Department.** Tribal sub-plan wing in Finance Department.

12. The National Council shall be formed and to meet as decided,-

Constitution of National Council for Development of Scheduled Tribes.

(1) Within one month, after the commencement of this Act, the Government shall, by notification, constitute a Council under the Chairperson of Prime Minister, to be known as the National Council for Development of Scheduled Tribes to exercise the powers conferred and to perform the functions assigned to it under the Act and the rules made there under;

(2) The Council should invite all Chief Minister and Tribal Ministers of the State and Members of Parliament from the Scheduled Tribes constituencies as member of the National Council;

(3) The National council shall meet at least two times in a year;

13. The National Council shall,-

Functions of the National Council.

(a) advise the Central Government on all the policy matters relating to Tribal Sub-Plan;

(b) suggest measures for proper planning and implementation of the schemes by the departments;

(c) approve the Annual Tribal Component proposals of the Departments;

(d) consult Tribal Advisory Council of all states constituted under Fifth Schedule of the Constitution for suggestions and recommendations at least four times in the financial year.

(e) perform such other functions as may be prescribed.

14. (a) A Nodal Agency headed by the Union Minister of Tribal Affairs, shall be constituted in the manner prescribed, for Tribal Component and shall exercise the powers conferred and perform the functions assigned under this Act;

Constitution of Nodal Agency.

15. The Tribal Department or whatsoever name called in each State shall act as Nodal Departments to perform its functions and exercise its powers under the Act.

Nodal Departments.

16. The Nodal Agency, in consultation with the respective Nodal Functions of the Department shall perform the following functions, namely- Nodal Agency.

(a) evaluate and appraise the Tribal Component proposed by the departments for ensuring conformity to the provisions of this Act;

(b) prepare the Centre Tribal Component for placing before the National Council for Development of Scheduled Tribes for consideration and approval:

(c) review the implementation and monitoring of the Tribal Sub-Plan programme:

(d) identify impediments and suggest measures for overcoming the impediments;

(e) co-ordinate with the departments for preparation of the State level and district level Tribal Sub-Plan;

(f) maintain transparency in expenditure; maintain scheme wise; district wise, village wise and beneficiary wise details as may be prescribed;

(g) set up a web portal for tracking the progress of the implementation, expenditure, output and outcome indicators as may be prescribed of Tribal Sub-Plan,

(h) facilitate at least annual social auditing of expenditure of Tribal Component funds and facilitate analysis of improvement in Human Development. Index against the projections for the State and district;

Provided that the directions of the Nodal Agency shall be binding on the Departments.

17. The Nodal Agency, while indicating allocation of the Tribal Sub-Plan Fund to the Tribal Component schemes shall follow the following norms namely,- Norms for allocation of the Tribal Sub-plan Fund to the Tribal Component Schemes.

(1) for schemes exclusively benefiting the Scheduled Tribes individuals or Scheduled Tribes households, one hundred per cent. of scheme cost shall be allocated and accounted for under Tribal Component fund;

(2) for schemes benefiting the Scheduled Tribe habitations, one hundred per cent. of scheme cost shall be allocated and accounted for under the Tribal Component fund;

Provided that in case of other habitations, the cost shall be allocated and accounted for under or Tribal Component in proportion of the population of the Scheduled Tribes;

(3) for general social sector schemes, which includes education, health, women and child, labour, physically handicapped included in the Sub-Plans, benefiting the Scheduled Tribes individuals or Scheduled Tribes households, along with others, the scheme cost shall be allocated and accounted for under Tribal Sub-Plan, in proportion Scheduled Tribe population.

18. The schemes that fulfill the norms laid down in the Act shall be recommended by the Nodal Agency for inclusion in the annual financial proposals of the departments and aggregated for placing before the National Council for Development of the Scheduled Tribes for consideration and approval as pre-budget process.

Recommendation by the Nodal Agency and the Nodal Department.

19. The Government shall provide required Technical and other staff to the Nodal Department with an Administrative and Technical Support Unit as may be prescribed, to perform the functions and discharge the duties assigned to it and to assist the Nodal Agency.

Administrative and technical support to the Nodal Department.

20. The departments as identified by the National Council may establish a Component Support Unit, as may be prescribed to manage the respective Tribal Sub- Plan.

Department Level Sub-Plan Support Unit.

21. (1) The Constitution Divisional Monitoring Committee under the Tribal Commissioner as chairperson in each ATC division of the state shall be responsible for the implementation of Tribal Component at the divisional and project office level tribal Members of the Legislature and the Parliament belonging to the respective division shall be the members of the Divisional Monitoring Committee;

Implementation of the Tribal component schemes at Divisional Level.

(2) The Divisional Monitoring Committee of each division shall review the implementation of the Tribal Component periodically.

(3) The Divisional Monitoring Committee shall give priority to the inaccessible, remote and hilly areas of the Tribal dominated region followed by the other Tribal dominated regions and no funds shall be diverted to the non-tribal areas of the State.

22. (1) There shall be a Project Office (P.O.) Level Committee under the Tribal Legislature or Member Parliament or any Tribal member of local bodies as chairperson in each district, which shall be responsible for implementation of tribal sub-plan;

Constitution of a P.O. level Committee.

(2) The P.O: Level Committee must first give priority to the inaccessible, remote and hilly areas of the Tribal dominated region followed by the other Tribal dominated regions. Also, no funds must be diverted to the non-tribal areas of the State.

(3) This Committee must also give directions to the head departments of implementing authorities to follow the same provision as mentioned above.

23. The respective departments of Government shall take such measures as may be necessary, for institutional strengthening at State level and District level by providing necessary guidelines, staff and training to the staff in the manner prescribed, for effective implementation and monitoring.

Necessary measures to be undertaken by respective departments of Government.

24. There shall be constituted an Evaluation Committee to observe and Study all the overall aspects in the interest of development of Tribals keeping in mind the economic, social educational upliftment of the Scheduled Tribes.

Constitution of an Evaluation Committee.

(1) The committee shall submit a report every 5 years;

(2) The Committee shall consist of:

(a) Anthropologist;

(b) Economist;

(c) Retired Justice and

(d) IAS officer;

(e) five tribal M.L.A.

(f) tribal Member of Parliament (Two members);

(g) other Tribals issue related Experts;

25. (1) Each department shall ensure transparency and accountability at all levels in the implementation of Tribal Component schemes.

Transparency and accountability.

(2) Each department shall, host the documents, as may be prescribed in public domain.

26. (1) Government appropriate shall formulate an scheme, to award incentives for commendable performance and disincentives for proven negligence and lack of due diligence, in discharge of responsibilities under this Act by any functionary or official concerned;

Incentives and penalties.

Provided that disciplinary action shall be governed by the relevant service/disciplinary rules applicable to the Government officials and functionaries.

(2) Whoever being a public servant, willfully neglects his duties required to be performed by him under the Act, shall be punished with imprisonment for a term which may extend up to one year.

27. The Nodal agency shall place before the National Legislature, an Annual Report on outcome of implementation of Tribal Component containing department-wise achievements and the un-utilized, funds during the financial year under report.

Annual Report to be placed before State Legislature.

28. (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of the Act as may appear to it to be necessary or expedient for the removal of the difficulty;

Power to remove difficulties.

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act;

(2) Every order made under this section shall be laid, as soon as it is made, before each House of the State Legislature.

29. (1) The Government may, by notification in the Gazette, make rules for carrying out all or any of the provisions of this Act; Power to make rules.

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

- (a). Determination of gaps in development of the Schedule Tribes;
- (b). Year marking of Tribal Component Funds from the plan outlays;
- (c). Identification of Tribal Component Schemes and preparation of Sub-Plans by the departments;
- (d). Preparation of budget proposal of Tribal Component for appraisal by the Nodal Departments;
- (e). Strengthen the Finance Department for monitoring expenditures under the Tribal Sub-Plan;
- (f). Constitution of, and transaction of business in the State Council for development of Scheduled Tribes; the qualification, disqualification and other allowances to the non-official members of the State Council;
- (g). Constitution of Nodal Agencies for Tribal Sub- Plan;
- (h). Maintenance of a web portal by the Nodal Agency;
- (i). Constitution of Administrative and Teennical Support Unit in respective Nodal
- (j). Department for Tribal Sub-Plan;
- (k). Constitution of Component Support Unit at department level:
- (l). Constitution of Divisional Monitoring Committees and the connected matters:
- (m). Constitution of P.O. Level Committee and the connected matters;
- (n). Constitution of Evaluation Committee and the connected matters;
- (o). Institutional strengthening at State, Divisional, District and sub-district level for ensuring effective implementation, awareness, mass contact programme, social audit and monitoring of Tribal Sub-Plan; and
- (p). Procedures for ensuring transparency and accountability in the implementation of Tribal Sub-Plan.

(3) Every rule made under this Act shall, immediately after it is made, be laid before, the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule.

STATEMENT OF OBJECTS AND REASONS

In pursuance of Article 244(1), Fifth Schedule (4) and Article 46 of the Constitution of India it is considered necessary to provide for earmarking a portion of Central plan outlay for the Tribal Sub-Plan:

(i) To provide for the proper and adequate allocation of Central plan outlay for the Tribal Component in proportion to the location, population and problems of the Scheduled Tribes spread across the vast Country of India and to overcome the fluctuations, the variations, to keep track of receipts and expenditures and to seek maximum utilization of funds that has been laid down in Tribal Component outlay over the years;

(ii) The Tribal Ministry was set up in 1999 after the bifurcation of Ministry of Social Justice and Empowerment, since then less efforts have been taken to better the conditions of the Tribals. For it is the need of the hour to make available Financial Resources to inaccessible, remote areas and hilly regions which have been deprived of the financial aid from the Centre by innumerable reasons. It is also a major concern of the Centre to make sure that necessary and neglected Tribals areas are given priority at the earliest. It is of urgent necessity to pass this legislation to overcome the defect and fallacy in the executive orders passed by the Centre regarding the Financial Tribal Component which have allocated funds in a haphazard manner, in the past. This particular legislation can provide impetus to the allocation of the financial resources in more expeditious manner. There is also a further need of proper Planning and avoiding of Under-allocation, Misallocation, Under-utilization, Misutilization of the financial funds meant for genuine Tribals in Tribal areas. At the same time to prevent and prohibit the allocation and utilization of funds in non-tribal areas of the country. Also Keeping in mind, to make such allocated funds non-divertible to any other issue not concerning the Tribals or matters attached therewith; Also, to spend for the schemes directly benefiting the Scheduled Tribes population; and

(iii) For the development of Tribal People the outdated schemes should be wiped out & new schemes should be introduced and implemented. Such schemes should be self-reliant or life oriented according to the needs of the Tribals own image, genius and tradition. Data should not be collected by mere statistics or amount of funds spent but rather by the quality of human character that is evolved. The Central Government or the Executives should avoid imposing anything on the Tribal people and let the Tribal People develop along the lines of their own genius.

At the same time, Government should try to encourage in every way the Tribals own tradition and culture.

Hence, this Bill.

NEW DELHI;
November 12, 2024.

GOWAAL K. PADAVI

FINANCIAL MEMORANDUM

Clause 11 of the bill provides for the appointment of Secretary in finance with expertise in the finance and related functions of the Tribal Affairs Ministry. Clause 12 provides for Constitution of National Council for development of Scheduled Tribes. Clause 22 provides for Constitution of a P.O. level Committee. Clause 23 provides for Constitution of an Evaluation Committee. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve recurring expenditure of about rupees five crore per annum. A non-recurring expenditure of about Rupees Twenty Crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 259 of 2024

A Bill to improve the quality of government schools by incentivising government employees to enrol their students in such schools and or 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 Enrollment of Children of Government Employees in Government Schools (Promotion) 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.

Definitions.

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

(a) “appropriate government” means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(a) a State, the State Government; and

(b) a Union territory having legislature, the Government of that Union territory;

(b) “child with disability” includes— a child as defined under Section 2(ee) of the Right of Children to Free and Compulsory Education Act, 2009

35 of 2009

(c) “government employee” means—

(i) all persons in the civil services of the Central Government or holding civil posts under that government and paid out of the Consolidated Fund of India;

(ii) and all government servants of States and the local authorities; and

(iii) Members of the Parliament and Members of Legislative Assemblies of States and the local authorities.

(d) “government school” means— a school as defined under sub-clause (1) of clause (n) of section 2 of the Right to Free and Compulsory Education Act, 2009;

(e) “local authority refers to means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school 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; and

(f) “prescribed” means prescribed by rules made under this Act.

Promotion of Government Schools for Government Employees’ Children.

3. The appropriate government shall promote, among their employee for enrolling their children in government schools:

Provided that nothing in this Act shall restrict the Government employees to enroll their children to schools other than government schools.

Incentives for the employees.

4. The appropriate government shall provide incentives to government employees who enroll their children to government schools for a continuous period of three years, including but not limited to,—

(a) increase in child education allowance, including for children with disabilities;

(b) increase in hostel subsidy, if applicable;

(c) relaxation in the transfer of the government employee in order to prevent disruption of the education of the child;

(d) additional leaves and preference during promotion and any other incentive as the appropriate Government deem fit for the promotion of government schools.

Benefits for children of government employees enrolled in Government Schools.

5. The appropriate government shall confer, benefits to the children of the government employee who are enrolled in Government schools, including but not limited to,—

(a) priority for admissions in government colleges if the child has completed his higher education from the Government schools;

(b) access to government courses for skill development and training at subsidised rates;

(c) financial support for extracurricular activities includes representing the

state or nation in competitions, both domestic and international; and

(d) such other benefits for the children as the appropriate Government may deem fit.

6. (1) For the purpose of this Act, the appropriate Government shall constitute a Committee to be known as the Government School Performance Evaluation Committee to evaluate the quality and performance of government schools under its jurisdiction.

Government
School
Performance
Evaluation
Committee.

(2) The Committee shall consist of—

- (a)** The Education minister of the State, ex-officio Chairperson;
- (b)** two senior government employees whose children are or have been enrolled in government schools, member
- (c)** two principals of government schools to be nominated by the State Government, member; and

(d) two Members of Civil Society working in the education sector, member to be nominated by the appropriate Government in such manner as may be prescribed.

(3) The Committee shall meet at least four times in a year.

(4) The appropriate Governments may also, if required, set up district or zonal committees in their states if it deems fit for carrying out the purposes of this Act.

(5) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

7. (1) The Committee shall,—

Powers, Duties
and Functions of
the Committee.

(a) conduct regular evaluations, prepare and submit reports on the functioning of Government school highlighting the actions required from the appropriate government, local authority and any other body overseeing government schools;

(2) regularly prepare Action Taken Reports to assess the suggested changes are being implemented in the Government schools;

(3) maintain a list of government employees whose children are enrolled in government schools; and

(4) coordinate with the appropriate government for the delivery of incentives and any other functions that the appropriate Government may deem fit.

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

Central
Government to
provide funds.

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

Act not in
derogation of
any other law.

10. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power to make
Rules.

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

- (a)** The kinds of incentives to be provided to government employees under section 4;
- (b)** The benefits to be enjoyed by children of government employees under section 5;
- (c)** The fees and allowances that may be paid to the members of the Government School Performance Evaluation Committee for attending its meetings under sub-section (2) of section 6;
- (d)** The quorum for meetings for the Committee set up under section 6.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total

period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

STATEMENT OF OBJECTS AND REASONS

In 2015, Hon'ble Justice Sudhir Agarwal of the Allahabad High Court observed in the case of Shiv Kumar Pathak and others v State of Uttar Pradesh and others (WRIT-A No. -57476 of 2013) that to improve the poor conditions of the government primary schools, the public administration that oversees the functioning of these schools must have a real interest in these schools. The judgement observed that if government servants are compelled to send their own children for primary education in government institutions, they will look into the standards of such schools so that their children are provided with the best facilities. The judgement ordered the Chief Secretary of the Uttar Pradesh government to ensure that children of government employees and all persons who receive any perk, benefit or salary etc. from the State exchequer or public fund are sent to primary schools run by the Uttar Pradesh Board of Primary Education.

This Bill aims to incentivise government employees to send their children to government schools to encourage them to improve the quality of such schools. Government schools could foster social cohesion and offer diverse social exposure to students from various classes by integrating children from different socio-economic backgrounds in the same educational environment.

The Bill also empowers State Governments to set up a Government School Performance Evaluation Committee to assess the performance of government schools with a lens of how the administration can contribute to its better functioning.

Hence this Bill.

NEW DELHI;
November 12, 2024

IQRA CHOUDHARY

FINANCIAL MEMORANDUM

Clause 4 of the bill provides for incentives for government employees in order to motivate them to send their children to government schools to be provided by the appropriate government. Clause 5 of the bill also provides for benefits to the children of government employees to be provided by the appropriate government. Clause 8 stipulates that Central Government shall provide funds for implementation of this Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage it is not possible to estimate the expenditure.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to 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. 23 of 2025

A Bill to constitute a National Commission for Economically Weaker Sections of Citizens other than the Scheduled Castes, Scheduled Tribes and Other Backward Classes and for matters connected therewith or incidental thereto.

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

CHAPTER I**PRELIMINARY**

1.(1) This Act may be called the National Commission for Economically Weaker Sections of Citizens Act, 2025.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

(a) “Economically Weaker Sections of Citizens “ means such Economically Weaker Sections of Citizens other than the Scheduled Castes, Scheduled Tribes and Other Backward Classes may be specified by the Central Government in the lists;

(b) “Commission” means the National Commission for Economically Weaker Sections of Citizens as constituted under section 3;

(c) “lists” means lists prepared by the Government of India from time to time for purposes of making provision for the reservation of appointments or posts in favour of Economically Weaker Sections of Citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India;

(d) “Member” means a Member of the Commission and includes the Chairperson; and

(e) “prescribed” means prescribed by the rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR ECONOMICALLY WEAKER SECTIONS OF CITIZENS

Constitution of National Commission for Economically Weaker Sections of Citizens.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Commission for Economically Weaker Sections of citizens to exercise the powers conferred on, and to perform the functions as signed to, it under this Act.

(2) The Commission shall consist of the following Members nominated by the Central Government:—

(a) Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;

(b) one social scientist;

(c) two persons, who have special knowledge in matters relating to economically weaker sections of citizens; and

(d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

Term of office and conditions of service of Chairperson and Members.

4. (1) The Chairperson and every Member shall hold office for a term of three years from the date he assumes office.

(2) The Chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central Government shall remove a person from the office of Chairperson or a member if that person—

(a) becomes an un-discharged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) is of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person’s continuance in office detrimental to the interests of Economically Weaker Sections or the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

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

5. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

Salaries and allowances to be paid out of grants.

7. No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

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

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

Procedure to be regulated by the Commission.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. (1) The Commission shall analyse *suo-moto* and examine requests relating to modification of criteria for inclusion of any section of citizen(s) under the Economically Weaker Section of Citizens list and hear complaints of over-inclusion or non-inclusion of any citizen and tender such advice to the Central Government as it deems appropriate.

Functions of the Commission.

(2) The advice of the Commission shall ordinarily be binding upon the Central Government.

10. The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

Powers of the Commission.

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

11. (1) The Central Government may at anytime, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the criteria to be used to identify the Economically Weaker Sections of Citizens.

Periodic revision of criteria by the Central Government.

(2) The Central Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by
the Central
Government.

12. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and
audit.

13. (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 by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

Annual report.

14. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report
and audit report
to be laid before
Parliament.

15. The Central Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Chairperson,
Members and
employees of the
Commission to be
public servants.

16. The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 2(28) of the Bhartiya Nyaya Sanhita, 2023.

45 of 2023.

Power to make
rules.

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

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

(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 13;

(c) the form in, and the time at, which the annual report shall be prepared under section 14; and

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

Power to remove difficulties.

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

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

STATEMENT OF OBJECTS AND REASONS

The 103rd Constitutional Amendment enabled reservations for the EWS category, however, the absence of uniform eligibility criteria across States has led to administrative inconsistencies and public confusion. These disparities in EWS eligibility standards have prompted repeated judicial scrutiny to address, varying interpretations and applicability. The Bill proposes to establish a National Commission for Economically Weaker Sections in order to safeguard the interests of Economically Weaker Sections more effectively. The Commission will work as a body to oversee and frame guidelines for EWS reservation in an effective manner. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
November 12, 2024

RAO RAJENDRA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of National Commission for Economically Weaker Sections by the Central Government. Clause 5 stipulates that the Central Government shall provide officers and staff to the Commission. Clause 12 provides for grants to be paid to the Commission by the Central Government. The Bill, therefore, if enacted will involve expenditure from the consolidated fund of India. It is estimated that a recurring expenditure of about rupees four crore per annum would be involved from the Consolidated fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 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. 158 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.	Short title and commencement.
(2) It shall come into force at once.	
2. In the Preamble to the Constitution for the word “India” the word “Bharat” shall be substituted.	Amendment of the Preamble.
3. In article 1 of the Constitution in clause 1, for the words “India, that is Bharat” the word “Bharat” shall be substituted.	Amendment of Article 1.
4. Throughout the Constitution, for the word “India”, wherever it occurs, the word “Bharat” shall be substituted.	Substitution of References “India” by “Bharat”.

STATEMENT OF OBJECTS AND REASONS

A Bill to amend Article 1 of the Constitution to replace the term “India, that is Bharat” with “Bharat” as the nation’s sole name. The amendment aims to affirm the country’s indigenous identity and cultural sovereignty by adopting “Bharat” as the single name by which the Republic shall be known, both domestically and globally. Deeply embedded in ancient texts, heritage and the historical memory of our people, “Bharat” has stood for unity, continuity, and self-identity across generations, capturing the shared heritage and sovereign aspirations of this land. The dual nomenclature— “India” and “Bharat”— reflects a legacy from our colonial past that no longer aligns with contemporary national sentiment or with constitutional values of sovereignty, unity and integrity.

Hence this Bill.

NEW DELHI;
November 12, 2024.

RAO RAJENDRA SINGH

Bill No. 154 of 2025

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2025.

Short title.

2. In article 51A to the Constitution, after clause (k), the following clause shall be inserted, namely:—

Amendment
of article 51A.

“(I) who is eligible to vote, to cast his vote at any elections to the House of the People, Legislative Assembly of State and institutions of local self-Government.”.

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. It has a strong parliamentary system. Since 1951, free and fair elections to the Houses of Parliament, State Legislatures and local bodies have been held at regular intervals. Indian elections are benchmark for many other countries.

At present a candidate is declared as elected even if he secures seventeen per cent. of the votes polled. Though he has won the seat, yet he may not have the support of even half of the electors. In the true sense, he is not representing the majority of voters in the constituency from which he has been elected.

The percentage of votes polled at every election is very less which shows that people are not willing to participate in the election process. Sometimes in some of the constituencies, as low as thirty per cent. of the total votes are polled. This is not a healthy sign for democracy. Casting a vote at an election is one of the duty of community service mentioned in the Universal Declaration of Human Rights. Introducing an obligation to vote will help in strengthening the democracy and, electing a Government with more stability, legitimacy and genuine mandate. Compulsory voting system can confer a high degree of political legitimacy because it results in high voter turnout. High level of participation decreases the risk of political instability.

The compulsory voting is a system in which electors are obliged to cast their votes in elections.

Therefore, it is proposed to make it a fundamental duty of every eligible citizen to cast vote at elections to the House of the People, Legislative Assemblies and institutions of local self-Government.

Hence this Bill.

NEW DELHI;
November 13, 2024.

P. P. CHAUDHARY

Bill No. 164 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 124 of the Constitution of India in clause (2), for the words “sixty-five years”, the words “seventy years” shall be substituted.

Short title and
extent.

Amendment of
article 124.

STATEMENT OF OBJECTS AND REASONS

Clause (2) of article 124 of the Constitution of India allows every Judge of the Supreme Court to hold office until he attains the age of sixty-five years. The age of retirement of Supreme Court Judges, which was fixed at sixty-two years in the beginning, was enhanced to sixty-five years by the Constitution (Fifteenth Amendment) Act, 1963. Since then, no revision has taken place in this regard.

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in its 39th Report dated the 29th April, 2010, has recommended to raise the retirement age of the Judges of the High Courts from sixty-two to sixty-five. Hence, in view of this it is expedient and necessary to enhance the age of Supreme Court Judges from sixty-five years to seventy years. Further, most of the reasons adduced by the Fifth Central Pay Commission in support of its recommendation for increasing the age of retirement of the Central Government employees, such as global practices, increase in life expectancy, improved health standards, need for utilization of experience and wisdom of senior employees, etc., would also apply to the Judges. Besides this, after their retirement the Judges are being appointed by Government in various Tribunals, Appellate Tribunals, etc. which is antithesis and not in consonance as well as spirit of preamble to Constitution of India. The increase in age of retirement will altogether put a check on the re-employment of the Judges of the Supreme Court after retirement.

Independence of judiciary is an essential attribute of rule of law, which is one of the basic features of the Constitution. Judiciary must be free from all pressures including the pressures from executive as well as psychological pressure on the Judges related to their future after retirement. The Judges are required to ensure the independence and impartiality of judiciary by keeping themselves free from any allurements of employment under the Government after their retirement.

The Constitution specifically prohibits the Chairman of Union Public Service Commission and its Members, the Chairman of State Public Service Commission and its Members for further employment either under the Government of India or under the Government of any State. The Constitution on the other hand nowhere restricts or prohibits retired Chief Justice and Judges of the High Courts to hold further employment either under the Government of India or under any of the State Governments.

Article 148 (4) provides that the Comptroller and Auditor General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

The Chief Justice and Judges of the various High Courts, the Comptroller and Auditor General of India, the Chairman of Union Public Service Commission, the Chairman of the State Public Service Commission and the Members of these Commissions are constitutional functionaries and they should be kept free from all kinds of allurements of employment under the Government after cessation of holding of their office. It is presumed that reappointment of Judges would have effect of undermining the independence and fairness of judiciary.

The Constitution prohibits the Comptroller and Auditor General of India, the Chairman, Public Service Commission and its members from getting employment after cessation of their office, however, no such bar is there with regard to the Chief Justice and the Judges of the Supreme Court.

In view of the present state of vacancies of Judges in the Supreme Court, it is extremely difficult to clear the heavy pendency of cases in the Supreme Court. Increasing the age of retirement by five more years would restrict occurrence of new vacancies on account of superannuation for the next five years during which time the existing backlog in vacancies could be cleared. This would have a clear impact on reduction of pendency of cases in the Supreme Court.

It is, therefore, proposed to increase the age of retirement of the Judges of Supreme Court from sixty-five years to seventy years.

Hence this Bill.

NEW DELHI;
November 13, 2024

P.P. CHAUDHARY

Bill No. 151 of 2025

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2025.
2. In the Seventh Schedule to Constitution, in List II-State List, after entry 41, the following entry shall be inserted, namely:—

“41A. Services of the institutions of self-government and self-government Service Selection Board.”.

Short title.

Amendment
of the Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

Article 40 of the Constitution provides for organization of Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government. Keeping in view this Constitutional mandate of the Directive Principles of State Policy, Part IX relating to panchayats was incorporated by 73rd amendment in the Constitution. Article 243(d) defines “panchayat” as “an institution (by whatever name called) of self-government constituted under article 243B for rural areas”.

State legislatures are competent to endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government in relation to the matters enumerated in the Eleventh Schedule to the Constitution. The matters enumerated in entries 17, 18 and 19 of the Eleventh Schedule are “education including primary and secondary schools; technical training and vocational education; and adult and non-formal education”, respectively. As per article 246(3), the legislature of any State has exclusive power to make laws with respect to any of the matters enumerated in List II-State List in the Seventh Schedule to the Constitution.

However, in the State List, there is no entry providing for the services of institutions of self-government and constitution of Service Selection Board for conducting recruitment for services of institutions of self-government. Hence, State Legislatures do not have legislative competence with respect to services of institutions of self-government and constitution of Service Selection Board.

In view of the above, it is necessary to empower State legislatures to legislate with respect to the services of the institutions of the self-government.

The Bill, therefore, seeks to amend the Seventh Schedule to the Constitution with a view to insert a new entry 41A in List II-State List of the Seventh Schedule relating to the services of the institutions of self-government and Constitution of the Service Selection Board to conduct examinations/interviews for appointment to services of the institutions of self-government in the States.

Hence this Bill.

NEW DELHI;
November 13, 2024.

P.P. CHAUDHARY

Bill No. 8 of 2025

A Bill to provide for the establishment of a Missing Individuals Bureau to track down missing individuals and carry out investigations into persons deemed missing.

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

- 1.(1) This Act may be called the Missing Individuals Bureau Act, 2025.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires, –
 - (a) “bureau” means the Missing Persons Bureau established under section 3;

Short title,
extent and
commencement.

Definitions.

(b) “identity Proof” means any of the following documents issued by a valid Government authority, namely:

(i) Aadhaar number as defined under Clause (a) of Section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016;

(ii) Birth Certificate;

(iii) Ration Card as defined under Clause (16) of Section 2 of the National Food Security Act, 2013; and

(iv) Valid Passport as defined under Clause (b) of Section 2 of the Passport Act, 1967.

(c) “missing Individual” means any individual who:

(i) has been missing from their place of occupation/study/residence (permanent or otherwise)/tourism; and

(ii) has been mentioned in a First Information Report filed under 173 of BNSS 2023;

(d) “missing persons database” means and refer to a National Database as defined under Section 11 of the Act; and

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

Constitution
of the Missing
Individuals
Bureau.

3. (1) Notwithstanding anything in the Police Act, 1861, the Central Government shall, by notification may constitute a Bureau to be called the Missing Individuals Bureau for investigation into matters of missing individuals.

(2) Subject to any orders made by the Central Government may make in this behalf, officers of the Bureau shall have throughout India and, subject to any international treaty or domestic law of the concerned country, outside India, in relation to the investigation of missing individuals, all the powers, duties, privileges and liabilities which police officers have in connection with the investigation of offences committed therein.

(3) Any officer of the Bureau above, the rank of Senior Inspector, may, subject to any order made by the Central Government in this behalf, exercise throughout India, any of the powers of the officer-in-charge of a police station in the area in which he is present for the time being and when so exercising such powers shall, subject to any such orders as aforesaid, be deemed to be an officer-in charge of a police station discharging the functions of such an officer within the limits of his station.

Superintendence
of Bureau.

4. The superintendence of the Bureau shall, in so far as it relates to the investigation of missing persons, vest in the Central Government.

Appointment
of Director.

5. (1) The administration of the Bureau shall vest in an officer appointed in this behalf by the Central Government, hereinafter referred to as the Director, who shall exercise in respect of the Bureau such of the powers exercisable by an Inspector-General of Police in respect of the police force in a State as the Central Government may specify in this behalf.

(2) The Central Government shall appoint the Director on the recommendation of the Committee consisting of:

(i) The Union Minister for Home Affairs-Chairperson;

(ii) The Union Minister of State for Women and Child Development-Member;

(iii) The Union Minister of State for External Affairs-Member;

(iv) The Leader of Opposition recognised as such in the House of the People, or, where there is no such Leader of Opposition, then the leader of the single largest Opposition Party in the House of the People-Member; and

(v) The Chief Justice of India or a sitting judge of the Supreme Court appointed by him-Member.

(3) No appointment of the Director shall be invalid merely by reason of vacancy or absence of a member of the Committee.

(4) The Committee shall recommend an individual for the position of a Director from a panel of officers chosen from amongst officers belonging to the Indian Police Services or Indian Administrative Services as under the All India Services Act, 1951.

(5) Subject to the provisions of this Act, the conditions of service for the Director shall be such as may be prescribed.

6. (1) On receipt of information and recording thereof under section 173 of the Bharatiya Nagrik Suraksha Sanhita, 2023 relating to any instance of missing individual, the officer-in-charge of the concerned police station shall forward the report to the State Government within thirty days of the filing of the same.

Missing
report of the
individual
to the State
Government.

(2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Bureau as expeditiously as possible, taking no longer than fifteen days after taking cognizance of such document.

(3) On receipt of report from the State Government, the Bureau shall determine, on the basis of information made available by the State Government(s), within Thirty days from the date of receipt of the report, having regard to the gravity of the issue and other relevant factors, it is a fit matter to be investigated by the Bureau.

(4) Where the Bureau is of the opinion that the particular matter is a fit case to be investigated and is of such nature that it may span across multiple states, it shall accordingly inform the Central Government and the respective State Government(s) of its intention to investigate the said matter.

(5) While selecting matter to be investigated, the Bureau must give priority to matters in the following order when the missing individual;

(i) is a child is under eighteen years of age;

(ii) is a female above the age of eighteen years of age;

(iii) is a transgender above the age of eighteen years of age;

(iv) is a male above the age of eighteen years of age;

(v) is an aged individual above the age of sixty five Years of age; and

(vi) any other individual's matter deemed necessary and important by the Bureau.

(6) Where the Central Government and respective State Government(s) grant the Bureau requisite permission to carry out investigations as specified under sub-section (3), then the officer-in-charge of the police station under sub-section (1) shall not proceed with their investigation and transmit all relevant documents in an expeditious manner to the Bureau:

Provided that till the Bureau takes up the investigation of the said matter, the officer in charge of the police station as under sub-section (1) shall be duty bound to continue with the investigation.

Transfer of
Investigation
to State
Government.

7. While investigating under this Act, the Bureau may, on a case-to-case basis taking into consideration the gravity of the matter,—

(a) with prior authorisation of the respective State Government(s) and/or relevant investigative authorities as determined by the State Government(s), to associate with the investigation; and

(b) with the previous approval of the Central Government, transfer the matter to the State Government and/or relevant investigative authorities as determined by the State Government, for investigation and trial of the offence.

Power to
investigate
connected
offences.

8. Under the provisions of the Act, the Bureau, if in the course of its investigation,—

(a) determines that the matter in one state is connected to that in another state or across various States, notify each involved State Government of the same before carrying out investigations across multiple States;

(b) apprise the Central Government of developments in matters on a regular basis and work with other Central agencies if deemed necessary and appropriate; and

(c) other offences emerge as well, notify the respective State and Central agencies and undertake joint investigations regarding the same.

Authority
of State
Government
to investigate
matters
of Missing
individuals.

9. Nothing contained in this Act shall affect the powers of the State Government to investigate and prosecute any matters as specified under this Act or any other connected matter or offence under any other law for the time being in force.

Missing
Persons
Database.

10. (1) The Bureau shall maintain a Missing Persons Database which shall include details as prescribed under this Act;

(2) The Bureau shall be responsible for co-ordinating with respective State Governments to maintain an up-to-date Database; and

(3) The Database and all its entrants shall be considered as a Public Document as defined under Section 74 of the Bharatiya Sakshya Adhiniyam, 2023.

Annual
Report.

11. The Bureau shall release an extensive report regarding the various works it has undertaken in a year on its subject matters on an annual basis.

Power of
Central
Government to
make rules.

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

STATEMENT OF OBJECTS AND REASONS

The number of missing persons in India is increasing and represents a serious challenge in ensuring safety and security of individuals. As per NCRB data, the total number of missing persons including missing children increased by 12.34 per cent. from 8,12,620 in 2019 to 9,12,926 in 2022. Out of the total missing persons and children in 2022, 4,97,393 were missing women and 94,079 were missing girls. Around 2,31,143 missing women and 33,798 missing girls are yet to be recovered and traced. If not traced timely, there is the threat that such women and girls will fall prey to organised crime such as human trafficking and sexual exploitation. Hence, it is crucial to strengthen the existing institutional and legal framework to ensure timely recovery of missing persons.

In this context, the Bill proposes to establish a specialised Bureau which aims to support State Governments by providing resources and aiding coordination in the investigation of missing persons cases, especially those spanning multiple jurisdictions between states and Union Territories of India. By facilitating cross-state investigations and coordinating efforts between State Governments, central agencies, and local authorities, the bureau will expedite search operations and ensure a unified approach to locating missing individuals.

Additionally, a centralised database of missing persons will be maintained by the Bureau to facilitate information sharing and analysis. This database will serve as a valuable tool for law enforcement agencies, researchers, and policymakers to better understand the patterns and trends of missing persons cases. By leveraging data analytics and advanced technology, the Bureau can identify potential risk factors and develop targeted interventions to prevent future disappearances.

The establishment of a dedicated Missing Persons Bureau is a crucial step towards addressing the complex issue of missing persons in India. By providing a centralised and coordinated response, the Bureau will enhance the prospects of locating missing individuals, provide timely relief to their families, and strengthen the overall response to this pressing social issue.

Hence this Bill.

NEW DELHI;
November 13, 2024

PUTTA MAHESH KUMAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a special body called the Missing Individuals Bureau for the investigation of missing individuals. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of above rupees three hundred crores will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 209 of 2024

A Bill to provide for the constitution of a Board for the mapping of cultural heritage of the country including protection of endangered art, traditions and crafts 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 Cultural Mapping Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title, extent
and
commencement.

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

Definitions.

(a) ‘Board’ means the Cultural Mapping Board constituted under section 3;

(b) ‘cultural heritage’ includes traditional arts, folk arts, folk music, folk festivals, crafts and such other traditional heritage of the country which are endangered;

(c) “folk artist” means any person who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skills to public;

(d) ‘mapping’ means the system of digital mapping of cultural heritage with the use of Geographic Information System (GIS) technology; and

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

3. (1) The Central Government, shall, by notification in the Official Gazette, constitute a Board to be known as the Cultural Mapping Board

Constitution of the Cultural Mapping Board.

(2) The Board shall consist of,-

(a) Union Minister of Culture, ex-officio Chairperson;

(b) Secretary, Union Minister of Culture, Member- Secretary;

(c) ten members to be appointed by the Central Government from amongst the persons who have knowledge and experience in the field of archaeology, history, architecture, conservation, science and technology, environment science, town and country planning or public administration.

(3) Every member of the Board shall hold office for a period of five years from the date on which he enters upon his office.

(4) The terms and conditions of the office of, including the method of filling casual vacancies in the Board and the procedure for removal or disqualification of a member of the Board, shall be, such as the Central Government may, by notification, specify.

(5) The Board may, with the approval of the Central Government, make regulations for regulating its own procedure.

(6) The Board shall have a Secretariat consisting of such number of officers and employees as may be prescribed.

(7) The salaries and allowances payable to, and the other terms and conditions of service of, members, officers and employees shall be such as may be determined by the Board in consultation with the Central Government.

4. The Board shall:-

Functions of the Board.

(i) undertake identification and mapping of cultural heritage of the country and issue such directions as it may consider necessary and expedient for the effective protection and preservation of the cultural heritage in this behalf;

(ii) advise the Central Government for inclusion of the subject of cultural heritage and diversity in the academic curriculum;

(iii) frame schemes for providing financial assistance to the traditional folk artists and craftsmen.

(iv) cause or undertake an inquiry and initiate legal action in consultation with Central Government, in case of offences relating to mapping of cultural heritage; and

(v) undertake such other functions as may be assigned to it by the Central Government for carrying out the purpose of this Act.

5. Whoever-

Offences.

(i) damages or causes any damage to cultural heritage;

(ii) indulges in any propaganda with the intention of causing any hindrance in mapping of cultural heritage;

(iii) commits or omits to commit any act in relation to cultural heritage, which is an offence under any other law for the time being in force.

shall be guilty of committing an offence under this Act.

6.(1) Any person who commits any offence under section 5 shall be punishable with imprisonment for a term which may extend to five years, or with fine, which may extend to one lakh rupees, or with both.

Punishment.

(2) A penalty awarded upon conviction for an offence under this section shall be in addition to any penalty, which upon conviction is provided for such offence under any law for the time being in force.

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

Central Government to provide funds.

8.(1) The Board shall prepare an annual report, in such form and manner as may be prescribed.

Annual report.

(2) The Board shall submit the annual report to the Central Government.

(3) The annual report shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

Provided that the Board may also submit interim report or reports to the Central Government, which shall cause the report to be laid, as soon as, may be after it is received, before each House of Parliament.

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

Act to have overriding effect.

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.

Provisions of the Act to be in addition to other laws.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Culture plays an important role in the development of any nation. It represents a set of shared attitudes, values, goals and practices. Culture manifest themselves in almost all economic, social and other activities. A country as diverse as India is symbolized by the plurality of its culture.

India has one of the world's largest collections of songs, music, dance, theatre, folk traditions, performing arts, rites and rituals, paintings and writings.

There are lakhs of traditional folk artists and craftsmen across the country who are managing to survive on the basis of their creativity and production. However, the need is to protect such cultural heritage. The best way to do the same is by way of mapping of cultural heritage of the country with the use of Geographic Information System (GIS) and other appropriate technology.

The Bill, therefore, seeks to provide for the constitution of a Board for the mapping of cultural heritage of the country including protection of endangered art, traditions and crafts.

Hence this Bill.

NEW DELHI;

MANOJ TIWARI

November 13, 2024.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Cultural Mapping Board for the conservation of the cultural heritage in the country. It also provides for a secretariat for the purpose of assisting the Board. Clause 8 provides for the Central Government to provide adequate fund to the Board. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crores per annum.

A non-recurring expenditure of rupees one hundred and fifty crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 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. 27 of 2025

A Bill further to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

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

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2025.

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.

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2. In Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the principal Act), in sub-section (5), in clause (f), for the words, "sixteen years", wherever they occur, the words, "fourteen years", shall be substituted.	Amendment of Section 14.
3. In section 15 of the principal Act, in sub-section (1), for the words "sixteen years" the words "fourteen years" shall be substituted.	Amendment of Section 15.
4. In section 18 of the principal Act, in sub-section (1), for the words "sixteen years", wherever the occur, the words "fourteen years" shall be substituted.	Amendment of Section 18.
5. In section 24 of the principal Act, in sub-section (1), in the proviso, for the words "sixteen years", the words "fourteen years" shall be substituted.	Amendment of Section 24.
6. In section 49 of the principal Act, in sub-section (1), for the words "Sixteen years", the words "fourteen years" shall be substituted.	Amendment of Section 49.

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act, 2015, was enacted to provide a child friendly approach to the adjudication and disposition of matters involving children in conflict with the law. However, in recent years, there has been a noticeable increase in the involvement of juveniles aged fourteen to sixteen years in serious and heinous crimes, including rape, murder, and other violent offences.

The existing provision of treating all children below the age of eighteen years as juveniles, regardless of the gravity of the offence, has led to concerns about the adequacy of the justice system in addressing such crimes. This amendment seeks to strike a balance between the principles of rehabilitation and accountability by reducing the age of criminal responsibility from sixteen to fourteen years for heinous offences, while ensuring that the rights and welfare of children are protected.

This amendment is necessary to ensure that the justice system is equipped to deal with the evolving nature of juvenile delinquency and to provide a deterrent effect while maintaining a focus on rehabilitation for younger children.

Hence this Bill.

NEW DELHI;

MANOJ TIWARI

February 14, 2025.

Bill No. 81 of 2025

A Bill to provide for compulsory yoga practice from primary to senior secondary level in all the schools throughout the country thereby ensuring good and sound health of students and for making it obligatory for the Central and State Governments to provide requisite infrastructure for the purpose and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Compulsory Yoga Practice in Schools Act, 2025.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

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

(a) “appropriate Government” means in the case of a State, the Government of the State and in all other cases, the Central Government;

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

(c) “school” means any Government school or a Government aided school or a private school, which imparts education from primary to senior secondary school level; and

(d) “yoga” means a discipline based on an extremely subtle science which focuses on bringing harmony between mind and body through yoga postures, *asanas*, breathing exercise and such other yoga exercises as would promote the control of the body by bringing in flexibility, strength and endurance and of the mind by enhancing alertness and meditation.

National policy for Yoga Practice and infrastructure thereof.

3. (1) The Central Government shall, as soon as may be, but not later than one year after date of commencement of this Act, formulate a National Policy for practice of yoga and ensuring requisite infrastructure and other facilities required for yoga practice in all schools of the country.

(2) The National Policy referred to in sub-section (1) shall provide for,—

(a) **imparting free yoga practice to all the students as per their ability and physical condition in the schools;**

(b) **encouraging yoga practice and creating awareness of the importance of yoga among the schools students;**

(c) **ensuring the availability of yoga teacher in all the schools;**

(d) **providing adequate funds for infrastructure development for yoga in all the schools;**

(e) incorporating yoga as compulsory subjects in all the schools;

(f) preparing standard and qualitative syllabus for yoga as per the age and physical capacity of the students under the guidance of experts and universalisation thereof;

(g) **providing scholarship and stipend to those students whose performance in yoga has been outstanding;**

(h) providing weightage to marks obtained in yoga for admission in colleges, universities, and institutions of national importance; and

(i) such other provisions as the Central Government may deem fit and necessary for carrying out the purposes of this Act.

Appropriate Government to implement National policy.

4. (1) It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

(2) The appropriate Government shall review the progress and quality of yoga practice being imparted by the schools, from time to time, in such manner as may be prescribed.

Penalty.

5. Any school which violates the provisions of this Act shall be liable for punitive action by the appropriate Government, including withdrawal of recognition of the school in such manner and with such conditions, as may be prescribed.

Central Government to provide funds.

6. **The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.**

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

Act to
supplement
other laws.

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

Power to make
rules.

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

STATEMENT OF OBJECTS AND REASONS

Yoga is being practiced in our country since the time immemorial for good health and longevity. It keeps the body and mind healthy and sound and its various asanaas cure even serious diseases. Now, yoga is not confined to India only but has become international and International Yoga Day is held every year on 21st June throughout the world.

Yoga is gaining popularity across the world. Considering the importance of yoga education, many western countries have already included yoga in their national school education system. It is well accepted that yoga not only improves the physical and mental health but also disciplines the mind and improves the power of concentration. Many studies show that the practice of yoga inhibits many curative qualities. Moreover, yoga education is cost-effective as it requires modest infrastructure and money. Yoga is a non-competitive activity as it enables the participants to enjoy physical workout without experiencing any pressure.

It is, therefore, felt that yoga should be introduced right from childhood to make it a part and parcel of everyone's life so that we can foster confidence and self-esteem in the minds of our upcoming generations in schools.

Introduction of Yoga in schools will make positive impact on the health and psychosocial well-being of the students, enrich their thinking, understanding and imagination and improve the teaching and learning abilities. Yoga will not only enhance the ability of students to deal with the stress and pressures of daily life but also help in realizing them their full potential.

The Bill, therefore, seeks to provide for making yoga practice compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence this Bill.

NEW DELHI;

MANOJ TIWARI

July 7, 2025.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a national policy for providing yoga practice and infrastructure development in schools. It also provides for creating awareness of yoga among students, financial assistance for infrastructure development, scholarship and stipend for outstanding students in yoga in schools. Clause 6 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the actual expenditure to be incurred on it. However, it is estimated that a recurring expenditure of rupees five hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore may also be incurred from the Consolidated Fund of India for creating various assets throughout the country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

Bill No. 227 of 2024

A Bill to provide special financial assistance to the State Government of Maharashtra to meet the expense of development and rejuvenation of water bodies and for matters connected therewith in the State of Maharashtra.

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 Special Financial Assistance for Development and Rejuvenation of Water Bodies in the State of Maharashtra 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.

Definitions.

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

(a) “aquatic ecosystem” means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body;

(b) “drain” includes gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;

(c) “groundwater” means all water under the surface of the ground, whether in solid or liquid form;

(d) “water” means all surface water and ground water, whether solid or liquid form; and

(e) “water body” means any body of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

State Governments to forward the details to the Central Government.

3. (1) The State Government of Maharashtra shall forward the details of the required infrastructure and the estimated cost of the water bodies project falling in the State.

(2) The Central Government, shall on receipt of details, provide funds to the State Government for the development of water bodies in such manner as may be prescribed.

(3) The funds provided under sub-section (2) shall be utilized for,

(a) expeditious completion of ongoing water bodies projects in the State of Maharashtra;

(b) construction of small ponds for the use of animals;

(c) digging wells and bore wells;

(d) installing electric pumps for pumping water;

(e) meeting costs incurred on implementing the “Water Bodies Rejuvenation Scheme” based on the water resources;

(f) renovation of old ponds and water reservoirs; and

(g) construction of canals.

(4) The State Government of Maharashtra shall furnish the details of expenditure likely to be incurred on the water bodies development works to the Central Government in such manner and in such times as may be prescribed:

Power of State Governments to make regulations.

4. The State Government of Maharashtra shall, before forwarding the details to Central Government under section 3, make the regulation for the purpose of—

(a) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;

(b) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;

(c) improving the drainage and sewerage system;

(d) ensuring clear separation between sewerage or waste water and sources of clean water to avoid contamination; and

(e) ensuring quick absorption or clear flow of rain water and sources of clean water to avoid contamination.

Central Government to render scientific and technical advice.

5. The Central Government shall render scientific and technical advice and assistance to the State Government of Maharashtra, if so required, to achieve the purposes of this Act.

Central Government to provide financial assistance to State Government of Maharashtra.

6. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the State Government of Maharashtra for protection of water bodies and for promotion of rain harvesting and watershed management programmes.

(2) The Central Government before releasing the money shall ensure that State Government has complied with the provisions of this Act.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Water bodies are the key to recharging groundwater level and developing flood resilience. Building storage capacity in tanks, rainwater harvesting, and wastewater reuse will improve water resilience in the State. The widening gap between rising water demand and seasonal supply can be bridged by building storage in waterbodies and treating sewage for reuse.

India today is desperately in need of answers to resolve its water crisis. The country faces a critical challenge of improving the productivity of drinking fresh water. No socio-economic development will ever be possible without ensuring uninterrupted supply of quality potable water. It is therefore clear that river rejuvenation will need to be distributed across the country. In other words, we will need to capture rain water, where it falls, over vast parts of the country so that we can provide local water security and recharge every well. The Bill strives to mandate special financial assistance for river rejuvenation work to be implemented in Maharashtra.

According to the National Wetland Inventory and Assessment report, India has 5,55,557 small water bodies (including village ponds) with area less than 2.25 ha. As such, rejuvenation of these water bodies has large potential of achieving water security and climate resilience. There have been many success stories of pond and lake rejuvenation throughout the country. Unfortunately, there exists no scientific atlas/repository of village ponds with coordinates, present status in terms of spread area, storage capacity, quality of water, availability of animal and plant life, etc. This is required at the government of India level.

The Bill, therefore, seeks to provide financial assistance to meet the expense of development and rejuvenation of water bodies in the forest areas and for matters connected therewith in State of Maharashtra.

Hence this Bill.

NEW DELHI;
November 13, 2024

RAVINDRA DATTARAM WAIKAR

FINANCIAL MEMORANDUM

Clause 3 provides for the arrangement of funds from Central Government to State Government for the development of water bodies. Clause 5 of the Bill provides for rendering of scientific and technical advice and assistance to the State Government of Maharashtra. Clause 6 provides for financial assistance to the State Government of Maharashtra for development, rejuvenation and protection of water bodies etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the sums of moneys which will be given to the State of Maharashtra as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government of Maharashtra with the approval of Government of India as identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 empowers the Central Government to make rules for carrying out the purpose of this Act. As the regulations and rules will relate to matters of detail only, the delegation, therefore, is of a normal character.

Bill No. 230 of 2024

A Bill to establish and incorporate a National Water University in the State of Maharashtra, a specialised University first of its kind, to promote water education in the areas of water resource management, water conservation technology, equitable and sustainable development and ground water resource management besides functioning as the national centre for select water disciplines by adopting best international practices and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Water University Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

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

- (a) “Academic and Activity Council” means the Academic and Activity Council of the University;
- (b) “academic staff” means such categories of staff as are designated as academic staff by the Ordinances;
- (c) “Board of Water Studies” means the Board of Water Studies of a Department of the University;
- (d) “Chancellor” means the Chancellor of the University;
- (e) “College” means a college or other academic institution established or maintained by, or admitted to the privileges of, the University;
- (f) “Court” means the Court of the University;
- (g) “Department” means a Department of Studies and includes a Centre of Studies;
- (h) “employee” means any person appointed by the University and includes teachers and other staff of the University;
- (i) “Executive Council” means the Executive Council of the University;
- (j) “Finance Committee” means the Finance Committee of the University;
- (k) “Fund” means the University Fund referred to in section 30;
- (l) “Hall” means a unit of residence or of corporate life for the students of the University, or of an Outlying Campus or of a College or an Institution, maintained by the University;
- (m) “Head of the Department” means the head of any teaching department of the University;
- (n) “Institution” means an academic institution, not being a College, maintained by, or admitted to the privileges of, the University;
- (o) “Outlying Campus” means the campus of the University as may be established by it at any place within or outside India;
- (p) “Principal” means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;
- (q) “Regional Centre” means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Executive Council;
- (r) “Regulations” means the regulations made by any authority of the University under this Act for the time being in force;
- (s) “School” means a School of Studies of the University;
- (t) “section” means the section of this Act;
- (u) “State” includes a Union territory;
- (v) “Statutes” and “Ordinances” mean, respectively, the Statutes and the Ordinances of the University for the time being in force;
- (w) “Study Centre” means a centre established, maintained or recognised by the University for the purpose of advising, counselling, training or for rendering any other assistance required by the students;

(x) “teachers of the University” means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training or conducting research in the University or in any Outlying Campus, College or Institution or Regional Centres and Study Centres maintained by the University and are designated as teachers by the Ordinances;

(y) “University” means the National Water University established and incorporated as a University under this Act;

(z) “Vice-Chancellor” means the Vice-Chancellor of the University.

3. (1) There shall be established a University by the name of “National Water University.”.

Establishment of University.

(2) The headquarters of the University shall be in the State of Maharashtra and it may establish or maintain Outlying Campuses, Colleges, Regional Centres and Study Centres at such other places in India as it may deem fit:

Provided that the University may, with the prior approval of the Central Government, also establish Outlying Campuses and Study Centres outside India.

(3) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic and Activity Council, and all such persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of “National Water University”.

(4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Objects of University.

4. The objects of the University shall be—

- (i) to evolve as an institute of advanced study in the field of water sciences;
- (ii) to provide for research and development and dissemination of knowledge in water sciences by providing specially designed academic and training programmes in various areas of water sciences and training in advanced technologies relating to water;
- (iii) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of water sciences, and water technology;
- (iv) to provide professional and academic leadership to other institutions in the field of water sciences;
- (v) to provide vocational guidance and placement services in water sciences, aquaculture, water technology and other related fields;
- (vi) to generate capabilities for the development of knowledge, skills and competences at various levels in the fields of water sciences, and water technology;
- (vii) to generate capabilities to provide infrastructure of international standard for education, training and research in the areas related to water sciences, and water technology;
- (viii) to prepare highly qualified professionals in the fields of water sciences, and water technology;
- (ix) to serve as a Centre of Excellence for the elite and other talented water scientists and innovation in water sciences and to carry out, endorse and propagate research;
- (x) to function as a leading resource centre for knowledge and development in the areas of water sciences, and water technology;

(xi) to provide international collaboration in the fields of water sciences, and water technology;

(xii) to establish close linkage with water academies, schools, colleges, water research associations and international federations for the purpose of teaching, training and research in water sciences, aquaculture and water technology;

(xiii) to make India become a water and aquaculture research hub;

(xiv) such other objects, not inconsistent with the provisions of this Act, which the Central Government may, by notification in the Official Gazette, specify in this behalf.

Powers and
functions of
University.

5. (1) The University shall have the following powers and functions, namely:—

(i) to plan, design, develop and prescribe courses of study and conduct appropriate academic and training programmes in water sciences including water technology and to provide for instruction and training in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons, on the basis of examinations, evaluation or any method of testing, and to withdraw any such certificates, diplomas, degrees or other academic distinctions for good and sufficient cause;

(iii) to provide opportunities to the students of the University to participate in the water research and technology competitions in co-ordination with established international water research bodies;

(iv) to have liaison or membership with various international professional organisations or bodies;

(v) to establish and maintain, with the prior approval of the Central Government, such Outlying Campuses, Regional Centres, specialised laboratories or other units of research, instruction and training as are, in the opinion of the University, necessary for the furtherance of its objects;

(vi) to establish, maintain or recognise Study Centres in the manner laid down by the Statutes;

(vii) to establish and maintain Colleges, Institutions and Halls;

(viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(ix) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(x) to appoint persons working in any University or academic institution, including those located outside the country, as teachers of the University for a specified period;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University, may determine;

(xiii) to provide facilities through the distance education system to such persons and in such manner as may be prescribed by the Statutes;

(xiv) to institute and award fellowships, scholarships, studentship, medals and prizes for raising academic standards and research;

(xv) to organise and to undertake extramural studies, training and extension services;

(xvi) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xvii) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators, other academic staff and students;

(xviii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;

(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xx) to demand and receive payment of fees and other charges;

(xxi) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxii) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxiii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxiv) to make arrangements for promoting the health and general welfare of the employees;

(xxv) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

(xxvi) to borrow, with the previous approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(xxvii) to conduct innovative experiments and promote new methods and technologies in the fields of water sciences, aquaculture, and water technology, and other related fields;

(xxviii) to purchase or to take on lease any land or building or water complex or water infrastructure and scientific water research equipment or indoor stadium or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such building or work;

(xxix) to start any new allied course or research programme or diploma or training programme and discontinue any course or training programme;

(xxx) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;

(xxxix) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable, including Government securities, belonging to the University or to be acquired for the purposes of the University, after taking prior permission of the Central Government;

(xxxix) to act as a technical advisory body to Government of India and other National Organisations, State Governments and Water Research Federations on all matters related to Water;

(xxxix) to give effect to the procedures and standards provided under various schemes aimed at increasing awareness or research;

(xxxix) to confer autonomous status on a College or an Institution in the manner laid down by the Statutes;

(xxxix) to admit to its privileges any College or Institution in or outside India subject to such conditions as may be laid down by the Statutes:

Provided that no College or Institution shall be so admitted except with the prior approval of the Central Government;

(xxxix) to provide for the preparation of instructional and training materials, including films, cassettes, tapes, video cassettes and other software;

(xxxix) to recognise persons for imparting instructions in any College or Institution admitted to the privileges of the University; and

(xxxix) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) The University shall in the exercise of its powers have jurisdiction over the whole of India and to the Outlying Campuses and Study Centres outside India.

(3) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research, and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admissions of students and recruitment of faculty shall be made on all-India basis through appropriate procedures approved by the Executive Council of the University;

(ii) foreign students shall be admitted by the University to various courses and programmes as per the policy and schemes of the Government of India and the procedure approved by the Executive Council of the National Water University;

(iii) inter-University mobility of faculty with portable pension scheme benefits, if any, and protection of seniority shall be encouraged;

(iv) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreement with other Universities and academic institutions for credit transfer and joint degree programmes;

(v) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(vi) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers;

(vii) accreditation shall be obtained from the National Assessment and Accreditation Council or any other accrediting agency at the national level; and

(viii) e-governance shall be introduced with effective management information.

6. The University shall be open to persons of any sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle such person to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

University to be open to all castes, creed, race or class.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens:

Provided further that no such special provision shall be made on the ground of domicile.

7. (1) The Central Government may, from time to time, appoint one or more persons to review the work and progress of the University, including Outlying Campuses, Colleges, Institutions, Regional Centres and Study Centres maintained by it, and to submit a report thereon; and upon receipt of that report, the Central Government may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

Central Government to review work and progress of University.

(2) The Central Government shall have the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, water complexes, libraries, laboratories and equipment, and of any Outlying Campus or College or Institution or Regional Centres or Study Centres maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions or Regional Centres or Study Centres.

(3) The Central Government shall, in every matter referred to in sub-section (2), give notice of its intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the Central Government, as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Central Government may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(5) Where any inspection or inquiry has been caused to be made by the Central Government, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Central Government may, if the inspection or inquiry is made in respect of the University or any Outlying Campus or College or Institution or Regional Centre or Study Centre established or maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Central Government may be pleased to offer, and on receipt of address made by the Central Government, the Vice-Chancellor shall communicate to the Executive Council the views of the Central Government with such advice as the Central Government may offer upon the action to be taken thereon.

(7) The Executive Council shall communicate through the Vice-Chancellor to the Central Government such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(8) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Central Government, it may, after considering any explanation furnished or representation made by the Executive Council, issue such directions, as it may think fit, and the Executive Council shall comply with such directions. 5

(9) Without prejudice to the foregoing provisions of this section, the Central Government may, by order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances:

Provided that before making any such order, the Central Government shall call upon the Vice-Chancellor to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, it shall consider the same.

(10) The Central Government shall have such other powers, in respect of the affairs of the University, as may be prescribed by the Statutes.

Officers of
University.

8. The following shall be the officers of the University, namely:—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deans of Schools;
- (d) the Registrar;
- (e) the Finance Officer;
- (f) the Controller of Examinations;
- (g) the Librarian; and
- (h) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

9. (1) The Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and other ceremonial functions and also the meetings of the Court.

Vice-
Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall apprise such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Central Government whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) Where the Vice-Chancellor is of the opinion that any decision taken by any authority of the University is beyond the powers of the authority conferred under the provisions of this Act or the Statutes or the Ordinances, or that any decision taken by the authority is not in the interest of the University, he may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Central Government whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

11. Every Dean of School shall be appointed in such manner, and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Deans of Schools.

12. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes. Registrar.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

13. The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Finance Officer.

14. Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Controller of Examinations.

15. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Librarian.

16. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes. Other officers.

17. The following shall be the authorities of the University, namely:— Authorities of University.

(a) the Court;

(b) the Executive Council;

(c) the Academic and Activity Council;

(d) the Board of Water Studies;

(e) the Finance Committee;

(f) such other authorities as may be declared by the Statutes to be the authorities of the University.

18. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes. The Court.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Central Government in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

Executive
Council.

19. (1) The Executive Council shall be the principal executive body of the University.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

Academic and
Activity
Council.

20. (1) The Academic and Activity Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The constitution of the Academic and Activity Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Academic and Activity Council shall have Research officers who have achieved distinction in various spheres of geological and water research.

Board of
Water
Studies.

21. The constitution, powers and functions of the Board of Water Studies shall be prescribed by the Statutes.

Finance
Committee.

22. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other
authorities of
University.

23. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Power to make
Statutes.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, the emoluments and conditions of service;

(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of autonomous status on a College or an Institution or a Department;

(k) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges, Institutions, Regional Centres and Study Centres;

(l) the conferment of honorary degrees;

(m) the conferment and withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the management of Colleges, Institutions, Regional Centres and Study Centres established and maintained by the University;

(o) the delegation of powers vested in the authorities or officers of the University;

(p) the maintenance of discipline among the employees and students; and

(q) all other matters which by this Act are to be, or may be, provided for by the Statutes.

25. (1) The first Statutes are those set out in the Schedule to this Act.

Statutes, how to be made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal any Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statutes or Statutes amending or repealing existing Statutes shall require the approval of the Central Government and unless so approved, they shall be invalid.

(4) Notwithstanding anything contained in the foregoing sub-sections, the Central Government may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act:

Provided that the Central Government may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as it may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(5) Notwithstanding anything contained in this section, the Central Government may direct the University to make provisions in the Statutes in respect of any matter specified by it and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Central Government may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

26. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

Power to make Ordinances.

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study and their duration to be laid down for all degrees, diplomas and certificates courses of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;

(j) the establishment of Centres of Studies, Board of Studies, Specialised Laboratories and other Committees;

(k) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;

(l) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the setting up of a machinery for redressal of grievances of employees and students; and

(o) any other matter which, by this Act or the Statutes, is to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended or repealed at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

27. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual report.

28. (1) The annual report of the University shall be prepared under the directions of Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Central Government along with its comments, if any.

(3) The Central Government shall, as soon as may be, cause a copy of the annual report to be laid before both the Houses of Parliament.

Annual accounts.

29. (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Central Government along with the observations of the Executive Council.

(3) Any observations made by the Central Government on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Central Government.

(4) The Central Government shall, as soon as may be, cause the copy of the annual accounts together with the audit report to be laid before both the Houses of Parliament.

(5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Official Gazette.

30. (1) There shall be a University Fund which shall include—

Fund of
University.

(a) any contribution or grant made by the University Grants Commission or the Central Government;

(b) any contribution or grant made by the State Government;

(c) any contribution made by Government, semi-Government or autonomous bodies;

(d) any loans, gifts, bequests, donations, endowments or other grants, if any;

(e) income received by the University from fees and charges;

(f) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the industry for the establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and

(g) amounts received in any other manner from any other source.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on the recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

31. The University shall furnish to the Central Government such returns or other information with respect to its property or activities, within such period, as the Central Government may, from time to time, require.

Returns and
information.

32. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Conditions of
service of
employees, etc.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Central Government.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of judicial remedies available under articles 32 and 226 of the Constitution.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the

meaning of the Arbitration and Conciliation Act, 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

33. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeals.

34. Every employee or student of the University or of a College or an Institution or a Regional Centre or a Study Centre established or maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal to the Executive Council within such time, as may be prescribed by the Statutes, against the decision of any officer or authority of the University, or of the Principal or the management of any College or Institution or Regional Centre or Study Centre, as the case may be, and thereupon, the Executive Council may confirm, modify or reverse the decision appealed against.

Provident and pension funds.

35. (1) The University shall constitute for benefit of its employees such provident fund or any other similar fund or provide such insurance schemes, as it may deem fit, in such manner and subject to such conditions, as may be prescribed by the Statutes.

(2) Where such provident fund or other similar fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.

Disputes as to constitution of authorities and bodies.

36. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Central Government whose decision thereon shall be final.

Filling of casual vacancies.

37. All casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the persons appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings of authorities or bodies not invalidated by vacancies.

38. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of action taken in good faith.

39. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Mode of proof of University record.

40. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any

other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

41. (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 appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under sub-section (1) 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 order or both Houses agree that the order should not be made, the order 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 order.

42. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

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

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes, Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

43. Notwithstanding anything contained in this Act and the Statutes,—

Transitional provisions.

(a) the first Vice-Chancellor shall be appointed by the Central Government in such manner and on such conditions as may be deemed fit and the said officer shall hold office for such term, not exceeding five years, as maybe specified by the Central Government;

(b) the first Registrar and the first Finance Officer shall be appointed by the Central Government and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more

than thirty-one members and eleven members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years; and

(d) the first Academic and Activity Council shall consist of not more than twenty-one members, who shall be nominated by the Central Government and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Central Government and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

THE SCHEDULE

[See section 25(1)]

The Statutes of the University

1. (1) The Chancellor shall be appointed by the Central Government from a panel of names of not less than three persons recommended by the Executive Council: Chancellor.

Provided that if the Central Government does not approve any of the persons included in the panel, it may call for an extended fresh panel.

(2) The Chancellor shall be an eminent person in the field of Water who shall either be a Water person himself or a Water Administrator or a Water Academician.

(3) The Chancellor shall hold office for the term of five years and shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

2. (1) The Vice-Chancellor shall be appointed by the Central Government from out of a panel of names recommended by a Committee as constituted under clause (2): Vice-Chancellor.

Provided that if the Central Government does not approve any of the persons included in the panel, it may call for an extended fresh panel.

(2) The Committee referred to in clause (1) shall consist of five persons, out of whom three shall be nominated by the Executive Council and two by the Central Government, and one of the nominees of the Central Government shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or of a College or Institution or Regional Centre or Study Centre established or maintained by the University or a member of any authority of the University.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Central Government may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by it:

Provided also that when the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or, as the case may be, due to illness or such other cause, the Executive Council may appoint the senior-most Dean to perform the functions of the Vice-Chancellor until a new Vice-Chancellor is appointed or, as the case may be, the existing Vice-Chancellor resumes his duties.

(5) Notwithstanding anything contained in clause (4), the Central Government may, at any time after the Vice-Chancellor has entered upon his office, by an order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Central Government unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that the Central Government may, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry.

(6) (a) The Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence.

(b) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Central Government from time to time:

Provided that where an employee of the University or of a College, Institution, Regional Centre or Study Centre established or maintained by the University, or of any other University or any College or Institution admitted to the privileges of the University or such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(c) The Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council.

(d) The Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service.

(e) In addition to the leave referred to in sub-clause (d), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

Power and
duties of
Vice-Chancellor.

3. (1) The Vice-Chancellor shall be ex officio Chairman of the Executive Council, the Academic and Activity Council and the Finance Committee and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic and Activity Council and the Finance Committee.

4. (1) Every Dean of School shall be appointed by the Vice-Chancellor from amongst the Professors in the School by rotation in order of seniority for a period of three years:

Deans of
Schools.

Provided that in case there is only one Professor or no Professor in a School, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Associate Professors in the School, by rotation in the order of seniority:

Provided further that a Dean on attaining the age of sixty-five years shall cease to hold office as such.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior-most Professor or Associate Professor, as the case may be, in the School.

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Water Studies or Committees of the School, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

5. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be whole-time salaried officer of University.

Registrar.

(2) The Registrar shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Registrar shall retire on attaining the age of sixty-two-years.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon the conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendation:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(6) The Registrar shall be ex officio Secretary of the Executive Council and the Academic and Activity Council, but shall not be deemed to be member of either of these authorities and he shall be ex officio Member-Secretary of the Court.

(7) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic and Activity Council and of any Committee appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic and Activity Council and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic and Activity Council;

(e) to supply to the Central Government, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(g) to perform such other duties as may be specified in the Statutes, the Ordinances or Regulations or as may be required from time to time by the Executive Council.

Finance Officer.

6. (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

(2) The Finance Officer shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Finance Officer shall retire on attaining the age of sixty-two years.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be ex officio Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial function as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenues and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up to date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Departments, Centres and Specialised Laboratories;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for, from any office, Department, Centre, Laboratory, College, Institution, Regional Centre or Study Centre established or maintained by the University, any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to University shall be sufficient discharge for payment of such money.

7. (1) The Controller of Examinations shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

Controller of Examinations.

(2) The Controller of Examinations shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Controller of Examinations shall retire on attaining the age of sixty-two years.

(4) When the officer of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, such duties shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Controller of Examinations shall arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances.

8. (1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

Librarian.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

Constitution and
meetings of
Court.

9. (1) The Court shall consist of the following members who shall hold office for a period of three years, namely:—

(a) Ex officio Members:—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Proctor;
- (iv) the Deans of Schools;
- (v) the Dean of Students' Welfare;
- (vi) the Finance Officer;
- (vii) one Senior Warden, by rotation;
- (viii) the Librarian of the University;
- (ix) the President, Alumni Association;

(b) Other Members:

- (i) Heads of Departments or Professors who are members of the Academic and Activity Council;
- (ii) one representative from each institution recognised by the university, nominated by the Vice-Chancellor on recommendations of the Head of the Institution;
- (iii) not more than four persons from amongst eminent Water scientists, Water academicians and Water administrators to be nominated by the Central Government;
- (iv) not more than two persons representing Water industry, to be nominated by the Central Government;
- (v) not more than ten persons from amongst eminent Water persons and highly recognised coaches to be nominated by the Central Government;
- (c) the Registrar, who shall be the ex officio Member Secretary.

(2) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(3) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and financial estimates for the next year shall be presented.

(4) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(5) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, by the Registrar.

(6) Eleven members of the Court shall form a quorum for a meeting of the Court.

Quorum for
meeting of
Executive
Council.

10. Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council.

11. (1) The Executive Council shall consist of the following members to be nominated by the Central Government who shall hold office for a period of two years, namely:—

Constitution,
powers and
functions of
Executive
Council.

(a) Ex officio Members:

(i) the Vice-Chancellor;

(ii) the Proctor;

(iii) the Deans of Students' Welfare;

(iv) the Additional Secretary and Financial Advisor, Ministry of Youth Affairs and Sports;

(v) the Joint Secretary, Ministry of Youth Affairs and Water;

(vi) the Deans of Schools;

(b) Other Members:

(i) three Senior Professors by rotation;

(ii) four persons from amongst Water scientists, Water administrators, eminent Water persons and distinguished coaches.

(2) The Executive Council shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(3) Subject to the provision of this Act, the Statutes and the Ordinances, the Executive Council Shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and other academic posts including Chairs, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Associate Professors, Assistant Professors and other academic staff:

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic and Activity Council;

(ii) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff including Chair, as may be necessary, on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to promote interfacial research by making joint appointments of teaching staff in different Schools, Departments and Centres;

(iv) to create administrative, ministerial and other necessary posts and to define their duties and conditions of their service and to make appointments thereto in the manner prescribed by the Ordinances;

(v) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and

for that purpose to appoint such agents as it may think fit;

(viii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(ix) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(x) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(xi) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xiii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiv) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic and Activity Council;

(xv) to select a common seal for the University and provide for the use of such seal;

(xvi) to make such special arrangements as may be necessary for the residence of women students;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes;

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments;

(xix) to enter into partnership with industry and non-Government agencies for the advancement of knowledge and establish a corpus of funds out of the profits of such partnership; and

(xx) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or this Statutes.

Members of
Academic and
Activity
Council and
quorum for
meeting.

12. (1) The members of the Academic and Activity Council shall include water research scientists who have achieved distinction in the area of aquaculture.

(2) Nine members of the Academic and Activity Council shall form quorum for the meeting of the Academic and Activity Council.

Powers and
functions of
Academic
and Activity
Council.

13. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic and Activity Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-ordination of teaching among the Colleges, Institutions, Regional Centres and Study Centres and evaluation of research and improvement of academic standards;

(b) to bring about and promote inter-School co-ordination and to establish or appoint such committees or boards as may be deemed necessary for the purpose;

(c) to consider matters of general academic interest either on its own initiative, or on a reference by a School or the Executive Council, and to take appropriate action thereon;

(d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance.

14. (1) The University shall have such Schools of Studies as may be specified in the Statutes.

Schools of
Studies and
Departments

(2) Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council for a period of three years.

(3) The composition, powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Every School shall consist of such Departments as may be assigned to it by the Ordinances:

Provided that the Executive Council may, on the recommendation of the Academic and Activity Council, establish Centers of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(b) Each Department shall consist of the following members, namely:—

(i) teachers of the Department;

(ii) persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

15. (1) Each Department shall have a Board of Water Studies.

Board of
Water Studies.

(2) The term of office of the Board of Water Studies and of its members shall be prescribed by the Ordinances.

(3) Subject to the overall control and supervision of the Academic and Activity Council, the functions of a Board of Water Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances,—

(a) courses of studies and appointment of examiners for courses, but excluding research degrees;

(b) appointment of supervisors for research; and

(c) measures for the improvement of the standard of teaching and research:

Provided that the above functions of a Board of Water Studies shall, during the period of three years immediately after the commencement of this Act, be performed by the Department.

Finance
Committee.

16. (1) The Finance Committee shall consist of the following members, namely:—

- (i) the Vice-Chancellor;
- (ii) one person to be nominated by the Court;
- (iii) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and
- (iv) three persons to be nominated by the Central Government.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than ex officio members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

Selection
Committees.

17. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the post of professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Controller of Examinations, Librarian and Principals of Colleges, Institutions, Regional Centres and Study Centres established or maintained by the University.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Central Government and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor.	(i) The Dean of the School. (ii) The Head of the Department, if he is a Professor. (iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic and Activity Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.

1	2
Associate Professor/ Assistant Professor	(i) The head of the Department. (ii) One Professor nominated by the Vice-Chancellor. (iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic and Activity Council for their special knowledge of, or interest in, the subject with which the Associate Professor or Assistant Professor will be concerned.
Registrar/ Finance Officer/ Controller of Examination	(i) Two members of the Executive Council nominated by it. (ii) One person not in the service of the University nominated by the Executive Council.
Librarian	(i) One person not in the service of the University who has special knowledge of the subject of the Library Science or Library Administration nominated by the Executive Council. (ii) One person not in the service of the University nominated by the Executive Council.
Principal of College or Institution maintained by the University.	Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic and Activity Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the College or Institution.

Note 1: Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Note 2: The Professor to be nominated by the Vice-Chancellor shall be a Professor concerned with the speciality for which the selection is being made and the Vice-Chancellor shall consult the Head of the Department and the Dean of the School before nominating the Professor.

(3) The Vice-Chancellor shall convene and preside at the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of the Central Government's nominee and the experts nominated by the Executive Council:

Provided further that the proceedings of the Selection Committee shall not be valid unless,—

(a) where the number of the Central Government's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(b) where the number of the Central Government's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(4) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

(5) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Central Government for final orders.

(6) (a) Appointments to temporary posts shall,—

(i) if the temporary vacancy is for duration longer than one academic session, be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis on the advice of a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months;

(ii) if the temporary vacancy is for a period less than a year, be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in the case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(b) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

Special mode
of
Appointment

18. (1) Notwithstanding anything contained in Statute 17, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit and on the person agreeing to do so appoint him to the post:

Provided that the Executive Council may also create supernumerary posts for a specified period for appointment of such persons:

Provided further that the number of supernumerary posts so created should not exceed five per cent. of the total posts in the University.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

Appointment
for fixed
tenure.

19. The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 17 for a fixed tenure on such terms and conditions as it deems fit.

Committees

20. (1) An authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees persons who are not members of such authority.

(2) A committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

21. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and conditions of service and code of conduct of teachers, etc.

(2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(3) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.

22. (1) All the employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and conditions of service and code of conduct of other employees.

(2) The manner of appointment and emoluments of employees, other than the teachers and other academic staff, shall be such as may be prescribed by the Ordinances.

23. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may, from time to time, prescribe.

Seniority list.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

24. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or a member of the academic staff, and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Removal of employees of University.

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of the Statute, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

Honorary
degrees.

25. (1) The Executive Council may, on the recommendation of the Academic and Activity Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Central Government for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Central Government, any honorary degree conferred by the University.

Withdrawal of
degrees, etc.

26. The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw a degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

Maintenance
of discipline
amongst
students of
University.

27. (1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in Vice-Chancellor.

(2) There shall be Proctor of the University to assist the Vice-Chancellor in the exercise of the powers referred to in clause (1), who shall be appointed by the Executive Council from amongst the Professors and Associate Professors in the manner prescribed by the Ordinances.

(3) The Vice-Chancellor may delegate all or any of the powers referred to in clause (1), as he deems proper, to the Proctor and to such other officers as he may specify in this behalf.

(4) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for

the maintenance of discipline, the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Regional Centre or a Department or a School of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Regional Centre or Department or a School for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be withheld or cancelled.

(5) The Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Schools and teaching Departments in the University, as may be necessary for the proper conduct of such Colleges, Institutions, Schools and teaching Departments.

(6) Without prejudice to the powers of the Vice-Chancellor and the Principals and other persons specified in clause (5), detailed rules of discipline and proper conduct shall be made by the University and the Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make such supplementary rules as they deem necessary for the purposes stated therein.

(7) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

28. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Convocations.

29. Where no provision is made for Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Acting Chairman
of meetings.

30. Any member, other than an ex officio member of the Court, the Executive Council, the Academic and Activity Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Resignation.

31. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities, or for being appointed as, and for being, an officer, of the University if—

Disqualification.

(i) he is of unsound mind;

(ii) he is an undischarged insolvent; or

(iii) he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Central Government and its decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

32. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Residence
conditions for
membership
and office.

Membership of
authorities by
virtue of
membership of
other bodies.

33. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Alumni
Association.

34. (1) There shall be an Alumni Association for the University.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students Council.

35. (1) There shall be constituted in the University, a Students' Council for every academic year, consisting of,—

(i) the Dean of Students' Welfare who shall be the Chairman of the Students' Council;

(ii) twenty students to be nominated by the Academic and Activity Council on the basis of merit in studies, Water and extra-curricular activities; and

(iii) twenty students to be elected by the students as their representatives:

Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council, if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance, in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least twice in every academic year and the first meeting of the Council be held in the beginning of the academic session.

Ordinances
how to be
made.

36. (1) The first Ordinances made under sub-section (2) of section 26 may be amended or repealed at any time by the Executive Council in the manner specified in the following clauses.

(2) No Ordinances in respect of the matters enumerated in sub-section (1) of section 26 of this Act shall be made by the Executive Council unless a draft of such Ordinances has been proposed by the Academic and Activity Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinances proposed by the Academic and Activity Council under clause (2), but may reject the proposal or return the draft to the Academic and Activity Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinances proposed by the Academic and Activity Council, the Academic and Activity Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more

than half of the total number of members of the Academic and Activity Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Central Government whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Central Government within two weeks from the date of its adoption.

(7) The Central Government shall have the power to direct the University to suspend the operation of any Ordinance.

(8) The Central Government shall inform the Executive Council about its objection to the Ordinances referred to in clause (7) and may, after receiving the comments of the University, either withdraw the order suspending the Ordinances or disallow the Ordinances, and its decision shall be final.

37. (1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the following matters, namely:— Regulations.

(i) laying down the procedure to be observed at their meeting and the number of members required to form a quorum;

(ii) providing for all matters which are required by this Act, the Statutes or the Ordinances, to be prescribed by Regulations; and

(iii) Providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

38. Subject to the provisions of this Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers. Delegation of powers.

STATEMENT OF OBJECTS AND REASONS

Water is an essential resource for sustaining life, agricultural production, economic activities, and maintaining ecological balance. As India faces growing challenges related to water scarcity, pollution, climate change, and the equitable distribution of water resources, there is an urgent need for a specialized academic and research institution that can address these critical issues in a holistic manner. The National Water University Bill proposes the establishment of a dedicated national university focused on water resources management, research, and education. The establishment of such a university in Maharashtra is particularly timely, given the state's significance in India's water governance and its growing water-related challenges.

India is facing unprecedented challenges in managing its water resources. Rapid urbanization, industrialization, agricultural demands, and erratic weather patterns due to climate change are putting immense pressure on the country's water supply systems. At the same time, pollution, water mismanagement, and inefficient irrigation practices exacerbate the crisis. A national institution focused on water studies will foster the expertise and innovations necessary to tackle these complex challenges effectively.

The National Water University (NWU) will serve as a hub for cutting-edge research on sustainable water management, water conservation technologies, water purification, and policy frameworks. By fostering academic collaborations with international research bodies and government agencies, the university will play a crucial role in developing solutions to water crises that are specific to India's diverse regions, including arid, semi-arid, and flood-prone areas.

A specialized institution dedicated to water management will provide high-quality education and training for the next generation of water professionals, including engineers, scientists, policy-makers, and conservationists. The university will offer undergraduate, postgraduate, and doctoral programs in water resource management, hydrology, environmental science, and related fields. By producing well-trained professionals, the university will help fill the significant skills gap in water governance and resource management in India.

The NWU will focus on Integrated Water Resource Management (IWRM) to ensure the sustainable and equitable use of water across various sectors, including agriculture, industry, and domestic consumption. It will address the need for multi-disciplinary approaches, combining technical, economic, environmental, and social dimensions in water resource management. By promoting IWRM, the university will play a key role in ensuring that water resources are allocated efficiently and fairly among all stakeholders.

Maharashtra is one of the most water-stressed states in India. Despite being home to several major rivers, the state faces critical issues of water scarcity, over-extraction of groundwater, declining water quality, and ineffective water management practices. The drought-prone regions, along with urban and industrial demands, present unique challenges for water resource management. Establishing the National Water University in Maharashtra would directly benefit the state by providing expertise and research-based solutions tailored to local needs. Furthermore, Maharashtra's strong educational infrastructure and central location in India make it an ideal site for the proposed university.

The establishment of the National Water University through this Bill will be a significant step toward addressing India's growing water challenges. With its focus on education, research, and policy advocacy, the university will play a central role in promoting sustainable water management practices and creating a new generation of water professionals. Given Maharashtra's unique water-related challenges and its central role in the country's water governance, establishing the National Water University in the state will not only enhance the state's water management capabilities but also contribute to the broader national effort to ensure water security for future generations.

The passage of this Bill will enable the creation of a dedicated institution that will help steer India towards sustainable and equitable water management, promoting both scientific innovation and social equity in water distribution. This initiative is essential for addressing the multifaceted water crisis that India faces and will contribute to building a sustainable, water-secure future.

Hence, this Bill.

NEW DELHI;
November 13, 2024

RAVINDRA DATTARAM WAIKAR

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for the establishment of a University by the name of “National Water University” with its headquarters in the State of Maharashtra.

2. The total expenditure towards establishment of the University is estimated to be five hundred and twenty four crore rupees which will include expenditure for the establishment of Outlying Campuses.

3. Out of the total expenditure of five hundred and twenty four crore rupees, the non-recurring expenditure is estimated to be four hundred and forty two crore rupees and the recurring expenditure is estimated to be eighty two crore rupees.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 25 of the Bill provides that the first Statutes are those set out in the Schedule to this Bill. Sub-clause (4) of clause 25 of the Bill provides that the Central Government may make new or additional Statutes or amend or repeal the first Statutes during the period of three years immediately after the commencement of the Bill. It further provides that on the expiry of the period of three years, the Central Government may make, within one year from the date of such expiry, such detailed Statutes as it may consider necessary. Clause 24 of the Bill provides for the matters in respect of which the Statutes may be made.

2. Sub-clause (1) of clause 26 of the Bill provides for the matters in respect of which the Ordinances may be made which include, inter alia, admission of students, courses of study, medium of instructions, award of degrees, diplomas, etc., fees charged for the courses, conditions for award of fellowships, scholarships, etc., conduct of examinations, conditions of residence of students, special arrangements, if any, for the residence and teaching of women students, establishment of centres of studies, collaboration with other universities and institutions, creation of any other body considered necessary, institution of fellowships, setting up machinery for redressal of grievances and any other matter that may be provided for by the Ordinances. Sub-clause (2) of clause 26 of the Bill provides that the first Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended repealed or at any time by the Executive Council in the manner prescribed by the Statutes.

3. Clause 27 of the Bill empowers the University to make Regulations consistent with the Bill, the Statutes and the Ordinances for the conduct of its own business and that of the Committees, if any, appointed by them and not provided for by the Bill, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

4. The matters in respect of which the Statutes, Ordinances and Regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

Bill No. 212 of 2024

A Bill to provide regulations for the protection, welfare, and rehabilitation of sanitation workers engaged in the maintenance of public and private spaces, including waste management, disinfection, and sanitization 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 Protection and Welfare of Sanitation Workers 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” in relation to Cantonment Boards, railway lands and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the central Government, means the Central Government and in all other cases, the State Government;

(b) “Chief Executive Officer”, in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

(c) “employer” means any person, organization, company, government body, public sector undertaking, private contractor, agency, or institution, or a group of individuals, whether in the public or private sector, that directly or indirectly employs or engages sanitation workers, whether on a regular, contract, daily-wage, or temporary basis;

(d) “employee” means any person engaged in sanitation work, either directly or through a contractor or agency, who performs tasks related to the cleaning, maintenance, hygiene, waste management, and sanitation of public or private spaces, whether employed on a regular, contractual, daily-wage, or temporary basis excluding a domestic workers;

(e) “domestic workers” means a person who works within a residence and performs a variety of household services for an individual or a family, in a domestic setup;

(f) “hazardous manual practices” means any task or activity in the sanitation sector that poses significant health, safety, or life-threatening risks to the sanitation worker due to direct physical exposure to harmful substances, hazardous waste, or dangerous environments including, manual scavenging, cleaning or handling of sewers, septic tanks, or drains, or handling of hazardous chemicals or disinfectants, or any other activity notified by the State Government;

(g) “local authority” means,—

(i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006 (41 of 2006); and

(iii) a railway authority of that sub-division, district or any such part of India;

(h) “railway authority” means an authority administering railway land, as may be notified by the Central Government in this behalf;

(i) “railway land” shall have the meaning assigned to it in clause 32A of section 2 of the Railways Act, 1989 (24 of 1989);

(j) “sanitation worker” means any individual engaged in activities related to the maintenance, cleanliness, hygiene, and sanitation of public and private spaces and includes,—

(i) persons involved in the collection, segregation, transportation, and disposal of waste, cleaning of streets, drains, public facilities, and any other forms of waste management, as well as individuals responsible for the disinfection and sanitization of spaces through the application of chemicals, sprays, or other methods to control the spread of diseases, such as mosquito-borne or infectious diseases, employed on a regular or contract basis by the government, or the agency; and

(ii) safai karamcharis, sewer workers, waste pickers, disinfectant spreaders, and any other workers involved in sanitation-related services, whether employed by government bodies, private contractors, or working independently but does not include a domestic worker;

(k) “State Government”, in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution; and

(l) “Survey” means a survey of sanitation workers undertaken in pursuance of this act.

3. (1) The local authority shall conduct a yearly survey for registering details of the sanitation workers within its jurisdiction.

Survey and Registration of Sanitation Workers in urban areas by local authority.

(2) The presiding officer of the local authority, under whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(3) After completion of the survey, the presiding officer shall cause to be drawn up a provisional list of persons found to be working as Sanitation workers working within the jurisdiction of his Municipality and fulfilling, the eligibility condition as may be prescribed, shall cause such provisional list to be published, both offline and online, for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(4) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication file an objection, in such form as the local authority may prescribe.

4. Any person included in the final list of sanitation workers published in pursuance of sub-section (3) of section 3, shall be entitled to—

Rehabilitation of persons identified as sanitation worker by a Municipality.

(i) a photo identity card;

(ii) such initial, one time, cash assistance, as may be prescribed;

(iii) such other legal and financial assistance, as the Central Government may notify in this behalf.

5. (1) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewer, septic tanks, or any other spaces for sanitisation or cleaning within their control with a view to eliminating the need for the hazardous manual handling in that process.

Duty of local authorities and other agencies to use modern technology for any sanitisation workers

(2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (1).

6. The employer shall ensure that all sanitation workers, whether employed regularly or on a contractual basis, are provided with appropriate and functional personal protective equipment necessary for their work. This includes gloves, masks, helmets, safety shoes, aprons, and any other specialized gear required for protection against exposure to harmful substances, hazardous waste, chemicals, and infectious diseases.

Duty of Employer to provide the Personal Protective Equipment.

7. (1) The appropriate Government, in collaboration with local authorities, municipalities, Panchayats, and recognized Non-Governmental Organizations (NGOs) or, as the case may be, shall organize regular awareness and training programmes for sanitation workers to educate them about their rights, workplace safety standards, hygiene practices, and the benefits available to them under this Act.

Duty of Employer to organize the awareness and training programmes.

(2) These programmes shall include rights of sanitation workers, workers safety and hazard prevention, hygiene and health practices, mental health awareness or any other programmes notified by the State Government.

(3) The training shall be conducted at least once in a year for all sanitation workers, including those employed on a regular, contractual, or temporary basis, and shall be delivered in a language and manner easily understood by the workers.

8. (1) Every employer, including government agencies, contractors, or private entities engaging sanitation workers, shall arrange for mandatory periodic health check-ups for all sanitation workers under their employment, whether on a regular, contractual, or temporary basis.

Duty of Employer to conduct Mandatory Health Check-ups for Sanitation Workers.

(2) The health check-ups shall focus on detecting and monitoring occupational diseases, respiratory conditions, skin infections, and injuries that may result from exposure to hazardous waste, chemicals, and other health risks associated with sanitation work.

Duty of Employer to provide health insurance to the Sanitation workers.

9. (1) Every employer, including government agencies, contractors, or private entities engaging sanitation workers, shall ensure that all sanitation workers, whether employed on a regular, contractual, or temporary basis, are covered under a comprehensive health insurance scheme.

(2) The health insurance scheme provided to sanitation workers shall include –

(a) coverage for medical expenses arising from illness, injury, or accidents occurring in the course of employment;

(b) coverage for hospitalization, outpatient treatments, prescription drugs, and diagnostic services;

(c) coverage for occupational health hazards and diseases specific to sanitation work, including but not limited to respiratory illnesses, skin conditions, infections, and injuries;

(d) disability benefits in case of permanent or temporary incapacitation due to work-related injuries or diseases.

(3) Nothing in this section shall prevent the Central or State Government to provide subsidies for the health insurance of the sanitation workers to the including government agencies, contractors, or private entities or any other entity as may be prescribed.

Establishment of District Sanitation Worker Protection Vigilance Committee.

10. (1) **The appropriate Government shall, by notification in the official Gazette, constitute a District Sanitation Worker Protection Vigilance Committee (DSWPVC) for each district.**

(2) Each District Sanitation Worker Protection Vigilance Committee for a district shall consist of the following members, namely –

(a) the District Magistrate as the *ex officio* Chairperson;

(b) the district Superintendent of Police — member, *ex officio*;

(c) the Chief Executive Officer of, —

(i) the Panchayat at the district level—member, *ex officio*;

(ii) the Municipality of the district headquarters—member, *ex officio*;

(iii) any other Municipal Corporation constituted in the district— member, *ex officio*;

(iv) Cantonment Board, if any, situated in the district—member, *ex officio*;

(d) the Chief Medical Officer of the district —member, *ex officio*;

(e) Labour Commissioner of the district—member, *ex officio*;

(f) District Social Welfare Officer of the district—member, *ex officio*;

(g) **the appropriate government shall nominate four persons who are actively working for the benefit of sanitation workers, with one person representing each of the following categories –**

(i) Scheduled Caste;

(ii) Scheduled Tribe;

(iii) Other Backward Class; and

(iv) General category;

(h) one representative be nominated by the railway authority located in the district—member, *ex officio*;

(i) one female medical officer, to be nominated by the District Magistrate;

(j) One representative be nominated by the State Legal Service Authority from the district;

(k) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(l) five social workers belonging to organization working for sanitation workers or labour rights, two of which must be women;

(m) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(3) Each District Sanitation Worker Protection Vigilance Committee constituted at district shall meet at least once in every month.

(4) No proceeding of a District Sanitation Worker Protection Vigilance Committee shall be invalid merely by reason of any defect in its constitution.

11. (1) Every Sub-Divisional Sanitation Worker Protection Vigilance Committee shall prepare a monthly detailed report which shall contain the funds utilized, services provided, condition of the sanitation workers in district, suggestions, details of the reported violations and reason for the violations under the act, health camps and check-ups, target of next month and every step taken by the committee in one month.

Progress
Report by
Sub-Divisional
Sanitation
Worker
Protection
Vigilance
Committee.

(2) The monthly report regarding the implementation and progress of sanitation worker protection measures shall be submitted to the District Magistrate, *ex officio* Chairperson of the District Sanitation Worker Protection Vigilance Committee.

(3) The monthly report submitted to the District Magistrate shall be updated and made available online by the District Sanitation Worker Protection Vigilance Committee.

12. (1) Every District Sanitation Worker Protection Vigilance Committee shall prepare a monthly detailed report which shall contain the funds utilized, services provided, condition of the sanitation workers in district, reported violations and reason for the violations under the act, suggestions, health camps and check-ups, target of next month and every step taken by the committee in one month.

Progress Report
by District
Sanitation
Worker
Protection
Vigilance
Committee.

(2) The monthly report regarding the implementation and progress of sanitation worker protection measures shall be updated and made available online by the District Sanitation Worker Protection Vigilance Committee.

(3) The compiled monthly reports shall be submitted to the State Monitoring Committee on a quarterly basis, ensuring that the submission reflects the cumulative data and progress over the preceding months.

13. (1) The appropriate Government shall, by notification, in the official Gazette constitute a State Sanitation Worker Protection Authority, consisting of the following members, namely –

Establishment of
State Sanitation
Worker
Protection
Authority.

(a) A retired High Court Judge, nominated by the State Government as the *ex officio* Chairperson;

(b) Principal Secretary of the Labour Department—Member, *ex officio*;

(c) Principal Secretary of the Social Welfare Department—member, *ex officio*;

(d) Principal Secretary of the Urban Development Department—member, *ex officio*;

(e) Director General of Medical and Health Services—member, *ex officio*;

(f) Executive Chairman of the State Legal Services Authority—member, *ex officio*;

(g) one representative to be nominated by the railway authority nominated by the State Government—member, *ex officio*;

(h) the chairperson shall nominate four persons who are actively working for the benefit of sanitation workers, with one person representing each of the following categories –

(i) Scheduled Caste;

(ii) Scheduled Tribe;

(iii) Other Backward Class; and

(iv) General category;

(i) Three representatives from non-governmental organization specializing in sanitation worker protection, human rights, or labour welfare, with at least one being female, nominated by the State Government;

(j) Two medical experts in occupational health, particularly with knowledge of sanitation worker issues nominated by the chairperson;

(k) One legal expert with knowledge of labour laws, nominated by the chairperson.

(l) such other representatives of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(2) The State Sanitation Worker Protection Authority shall meet at least once in every two months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Functions of the
State Sanitation
Worker
Protection
Authority.

14. The functions of the State Monitoring Committee shall be —

(a) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(b) to create policies for implementation of this Act;

(c) to coordinate the functions of all concerned agencies;

(d) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

Accountability
and
Transparency to
be maintained
by the
Committee
or Authority
established
under the Act.

15. (1) Every committee, authority, or body constituted under this Act, including the District Sanitation Worker Protection Vigilance Committees, Sub-Divisional Sanitation Worker Protection Vigilance Committees, and the State Sanitation Worker Protection Authority, shall be deemed to be a public authority as defined under Section 2(h) of the Right to Information Act, 2005 (22 of 2005).

(2) All records, decisions, reports, and actions undertaken by such committees, authorities, or bodies shall be made available to the public in accordance with the provisions of the Right to Information Act, 2005 (22 of 2005).

(3) Any citizen shall have the right to request and receive information related to the functioning, decisions, and implementation of the provisions of this Act from the respective committee or authority, as per the procedure laid down under the Right to Information Act, 2005 (22 of 2005).

Power to
remove
difficulties.

16. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not

inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of five years from the commencement of this Act in that State.

17. (1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.

Power of
appropriate
Government to
make rules.

Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both 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.

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

STATEMENT OF OBJECTS AND REASONS

Sanitation workers play an essential role in maintaining public health and cleanliness, often working under extremely hazardous conditions without adequate protective measures. They are frequently exposed to severe health risks and unsafe environments, including the handling of harmful waste, cleaning of septic tanks, drains, and working with hazardous chemicals. This results in a high incidence of occupational health issues, injuries, and, in extreme cases, fatalities. Sanitation work also carries a significant social stigma, leading to socio-economic challenges for these workers and limiting their access to alternative employment opportunities. Despite legal safeguards, there remains a pressing need for more robust protective measures to ensure their safety, dignity, and well-being.

The Bill seeks to address these issues by implementing a comprehensive framework that mandates the use of modern technologies, appropriate protective gear, and regular health screenings for sanitation workers. It aims to ensure safer work conditions by prohibiting hazardous manual practices and promoting mechanized methods for high-risk sanitation tasks. Furthermore, the Bill proposes the establishment of dedicated committees and authorities at the district and state levels to monitor the welfare of sanitation workers, ensuring accountability and transparency. These measures are intended to support the socio-economic rehabilitation and dignity of sanitation workers, empowering them to live with respect and security.

The Bill also provides for structured training programmes to educate workers on safety standards, rights, and workplace hygiene practices. Moreover, it mandates comprehensive health insurance coverage to safeguard sanitation workers against occupational diseases, injuries, and other health risks. The proposed framework will support state and local authorities in implementing these provisions effectively, ensuring adherence to the highest standards of worker protection.

Hence this Bill.

NEW DELHI;
November 13, 2024

RAVINDRA DATTARAM WAIKAR

FINANCIAL MEMORANDUM

Clause 5 of the Bill stipulates that the appropriate Government will provide financial assistance to promote modern technology for sanitation workers. Clause 7 provides for organization of awareness and training programmes for sanitation workers by the appropriate Government. Clause 10 provides for establishment of District Sanitation Worker Protection Vigilance Committee by the appropriate Government. Clause 13 provides for establishment of State Sanitation Worker Protection Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 empowers the appropriate Government to make rules for carrying out the purpose of this Act. As the regulations and rules will relate to matters of detail only, the delegation, therefore, is of a normal character.

Bill No. 231 of 2024

A Bill to provide for the protection of traditional weavers in the country particularly in Mau and adjoining regions of Eastern part of State of Uttar Pradesh and for the welfare measures including life insurance coverage, interest free working capital and consumption loan, healthcare, education to the children, availability of affordable raw material, modernization of looms, housing, training, electricity subsidy and compulsory purchase of finished product by the Government and for establishment of an authority and a welfare fund 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 Traditional Weavers (Protection and Welfare) Act, 2024. Short title and commencement.
- (2) It shall come into force at once.

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) “Authority” means the Traditional Weavers Welfare Authority set up under section 3;

(c) “Fund” means the Traditional Weavers Welfare Fund constituted under section 5;

(d) “loom” means any loom including handloom and/or power loom;

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

(f) “traditional weaver” means a person whose ancestors of atleast three generations have been engaged in weaving profession to earn their livelihood;

(e) “weaver” means a person engaged in the production of cloth on handloom or/and powerloom and includes a person who owns, works or operates on a loom for the production of cloth, silk fabric etc; and

(g) “worker” means a loom worker, whether male or female, who earns wages on daily or any other basis by working on a loom.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be known as the Traditional Weavers Welfare Authority for carrying out the purposes of this Act.

Establishment
of Traditional
Weavers
Welfare
Authority.

(2) The headquarter of the Authority shall be at Mau district in the State of Uttar Pradesh and the Authority may establish offices at such other places in the country, as it may deem necessary for carrying out the purposes of this Act.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government in such manner as may be prescribed, namely:-

(a) a Chairperson having adequate knowledge and professional experience in handloom sector;

(b) a Deputy Chairperson with such qualification, as may be prescribed;

(c) five members of Parliament, of whom three shall be from Lok Sabha and two shall be from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(d) three members to represent weavers cooperatives;

(e) three members to represent loom weavers;

(f) four members to represent the Union Ministries of Finance, Planning,

Labour and Employment and Textiles; and

(g) four members to be nominated by the Government of the States to be rotated amongst them in alphabetical order.

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

(5) The term of Office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(6) The Authority shall have a secretariat with such Officers and members of staff and with such terms and conditions of services as may be prescribed.

4. (1) Subject to any guidelines issued by the Central Government under the provisions of the Act, the Authority shall take steps in close coordination with Government of the States for the overall welfare of weavers including, removal of poverty and indebtedness, raising the standard of living, modernizing the looms and making easy availability of raw materials at affordable prices and marketing of cloth on behalf of the loom weavers..

Functions of the Authority.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,-

(a) formulate welfare policy for the loom weavers and workers;

(b) maintain records of looms existing in all the villages, districts and other places throughout the country

(c) maintain a District-wise register of loom weavers and workers with such particulars and in such manner as may be prescribed;

(d) regulate the service conditions of workers in such manner as may be prescribed;

- (e) fix minimum wages for loom workers from time to time;
- (f) ensure modernization of old handlooms;
- (g) encourage and provide all necessary assistance to loom weavers cooperatives;
- (h) organize exhibitions, melas and such other activities to promote loom sector in different parts of the country;
- (i) make suitable arrangements for purchase of handloom cloth by the Textile Development Corporation or other Government agencies on cash and carry basis;
- (j) encourage export of loom cloth and garments from the country in a big way; and
- (k) perform such other functions as may be assigned to it by the appropriate Government from time to time.

5. (1) The Central Government shall, as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, establish a fund to be called the Traditional Weavers Welfare Fund with a corpus of rupees five 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 Government of the States in such ratio as may be prescribed.

Establishment
of Traditional
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, weavers and workers, body corporates, financial institutions firms, partnerships, etc.

(3) The fund shall be managed 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 spent on:-

- (a) providing interest free consumption loans to traditional weavers from time to time;

(b) making ex-gratia payments at prescribed rates to each of the bereaved families of traditional weavers who die in harness;

(c) providing loans at nominal rate of interest for purchasing cotton yarn and other necessary raw materials to the traditional weavers;

(d) insuring all traditional looms, traditional weavers and workers;

(e) providing healthcare facilities, maternity and such other facilities to the traditional weavers and workers;

(f) providing educational facilities and vocational training to the wards of weavers and workers; and

(g) such other welfare measures as may be prescribed.

6. (1) It shall be the duty of the Central Government to ensure regular supply of yarn to the weavers at affordable and subsidized rates. Role of Central Government and other Ministries.

(2) The appropriate Government, all its Ministries, Departments, subordinate Offices, Public Sector Enterprises shall purchase their entire cloth requirements for dusters, curtains, tablecloth and such other things exclusively from the weavers including from the mills and power loom sectors.

(3) The Central Government shall ban the export of cotton and cotton yarn from the country.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority such sums as it may consider necessary for the efficient functioning of the Authority. Central Government to provide Funds.

8. (1) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government. Annual Report.

(2) The Central Government shall cause to be laid before each House of the Parliament the report submitted to it under sub-section (1).

9. (1) Authority shall in consultation with the Comptroller and Auditor General of India maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner and at such time of each financial year as may be prescribed. Accounts and Audit.

- (2) The accounts of the Authority as certified by the Comptroller and Auditor General of India together with the Audit report thereon shall be forwarded annually to the Central Government by the Authority.

10. Notwithstanding anything contained in any other law, for the time being in force, the export of Cotton and Cotton Yarn is hereby banned.

Ban on export of Cotton and Cotton yarn.

11. The appropriate Government shall appoint as many Inspectors Welfare Officers and such other Officers and staff as it considers necessary for carrying out the purposes of the Act.

Appointment of officers and staff etc.

12. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of other Laws.

13. (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:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement to 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 the Parliament.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

One of the most essential things of civilized human beings has been cloth and majority of it comes from small scale loom weavers. India has the distinction of being the second-largest producer of textile fibre globally and almost contribute to five percent of GDP. Further, it is second largest sector providing employment after agriculture and it employs about 50 million people directly and indirectly to about 60 million people. The textile manufactured through looms are quite popular because these are beautiful and stylish.

It is the small-scale weavers who are steering this sector. It is rightly said that weaving is one of the oldest professions of mankind. The handloom weaving was the cornerstone of weaving industry during earlier times. However, with technological innovation and upgradation, the power loom industry has grown up from handloom sector. These loom units are primarily clustered in the states of Uttar Pradesh, Andhra Pradesh, Tamil Nadu, Bihar, Madhya Pradesh, Maharashtra with each region having its unique quality, specialization and trademark. Mau district in Eastern Uttar Pradesh, in particular is considered the powerhouse of textile weavers. There are establishments in the district that process fibre into fabric and fabric into clothing and other textile products. Its craft of weaving are producing rare types of sarees with unique designs.

The decentralized loom sector plays an important role in Indian Textile and Clothing Industry. For most of the weavers, it is their family profession which passes on from one generation to other and their entire families are involved in this profession such as dyeing, bleaching, mercerizing, embroidery, printing, etc. For them, weaving is the only source of their livelihood and prosperity.

However, over the years, the socio-economic condition of weavers has become pathetic, due to low manufacturing output. Unfortunately, the State Governments as well as the Central Government has largely remained apathetic to their hardships. Weavers are mostly living in abject poverty. Their large family size with low level of literacy, inadequate power supply, untimely and prolonged power outages, increased rate of electricity per unit, and poor government support, are compounding their miseries. The cotton yarn, which is the principal raw material for handloom cloth has become very costly and unaffordable and it is difficult for the weavers to purchase it from the market. The main reasons for the price spurt in cotton yarn is the export of cotton and cotton yarn. Other reasons include non purchase of their products by Government departments resulting in their exploitation by private traders, non availability of loans at minimum interest resulting in their exploitation by money lenders, absence of any welfare fund for the handloom weavers and the absence of any statutory authority to watch their interest. There is no proper channel set up by the government between the seller and the buyer, and sometimes the trade ends up being unprofitable for

the seller.

In addition, Weavers are exposed to many occupational hazards. The power loom industry exposes its workers to airborne dust, which contains infections, allergies, and Toxic substances related respiratory syndrome. They are also affected by additional occupational hazards mainly occurring due to threads emitting hazardous chemical substances, long manual working hours, noise pollution, etc. Poor ergonomics condition causes pain in their hands and legs, and repetitive injuries affecting their wrist, neck, shoulder, and knee.

The State's apathy towards the weaving sector has badly affected the weavers' community whose livelihoods largely rely on the business. The government has failed at empowering the Bunkar community. Survival with limited income resources is getting difficult day by day, due to which people are migrating to gulf countries. Reports of many starvation deaths of weavers have also come to light, which is no doubt is a blot on our democratic polity. As such remedial measures must be taken urgently so that weavers and small-scale loom factories are saved from extinction. It has, therefore, been proposed to establish the Traditional Weavers Welfare Authority and also the Traditional Weavers Welfare Fund for the purpose. Some other miscellaneous provisions have also been proposed. This will certainly improve the lot of weavers and save them from perpetual indebtedness and starvation in various parts of our nation.

Hence this Bill.

NEW DELHI
November 13, 2024.

RAJEEV RAI

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute the Traditional Weavers Welfare Authority and to have a Secretariat with such officers and members of staff. Clause 5 provides for the establishment of Traditional Weavers Welfare Fund. Clause 6 provides that the Appropriate Government should ensure regular supply of yarn to loom weavers at subsidised rates. Clause 7 provides that the Central Government to provide appropriate funds to the Authority.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 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. 199 of 2024

A Bill further to amend the All India Institutes of Medical Sciences Act, 1956.

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 All India Institutes of Medical Sciences (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 1956.

2. After section 3 of the All India Institutes of Medical Sciences Act, 1956, the following section shall be inserted, namely:—

Insertion of a new Section 3A.

“3A. (1) There shall be established an All India Institute of Medical Sciences at Mau in the State of Uttar Pradesh which shall be a body corporate, to be known as the All India Institutes of Medical Sciences, Mau.

Establishment of All India Institute of Medical Sciences at Mau in the State of Uttar Pradesh.

(2) The provision of this Act shall apply *mutatis mutandis* to the All India Institute of Medical Sciences, Mau established under sub-section (1).”

STATEMENT OF OBJECTS AND REASONS

Health infrastructure in and around Mau district of Uttar Pradesh are in precarious condition and there is a long pending demand of the people living in the area for high-quality healthcare services for the region and establishment of an All India Institute of Medical Sciences at Mau, which would also cater to the needy people of adjoining districts like Ballia, Ghazipur and Azamgarh in Uttar Pradesh apart from meeting the requirements of border districts of Bihar like Buxar etc. It will further ease out the pressure on the only AIIMS in the purvanchal region located at Gorakhpur, which is more than 100 km away. Mau is located along key transportation corridors and it experiences a high number of road accidents due to high density of population and vehicular traffic etc. However, the area does not have the specialized trauma care facilities that are essential for treating serious injuries from road accidents. Victims are referred to nearby cities like Gorakhpur or Varanasi for more advanced trauma care. This results in delays in treatment, which worsens outcomes for accident victims. Establishment of AIIMS, Mau will help in development of a robust Emergency Medical Services (EMS) infrastructure and will help in reduction of mortality and morbidity rates in the region. The establishment of AIIMS, Mau would not only provide state-of-the-art healthcare but would also generate employment and other opportunities for the people and contribute in the economic development of the region. I urge upon the Government to establish an AIIMS at Mau in Uttar Pradesh.

Hence this Bill.

NEW DELHI;
November 13, 2024

RAJEEV RAI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of an All India Institute of Medical Sciences at Mau in the State of Uttar Pradesh. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees 60 crore would be incurred per annum from the Consolidated Fund of India.

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

Bill No. 168 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

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

Short title and
commencement.

Amendment
of the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(i) existing entries 3 to 9 shall be re-numbered as entries 4 to 10, respectively, and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

“3. Bhojpuri.”;

(ii) after entry 10 as so re-numbered, the following entry shall inserted, namely:—

“11. Magahi.”;

(iii) entries 10 to 22 shall be re-numbered as entries 12 to 24, respectively.

STATEMENT OF OBJECTS AND REASONS

There is a long-pending demand for inclusion of Bhojpuri and Magahi languages in the Eighth Schedule of the Constitution, so that these can be accorded the status of official language. Both Bhojpuri and Magahi languages are over a thousand years old having their roots in ancient India and are part of our collective heritage.

Bhojpuri is the most widely spoken languages in Bihar and eastern Uttar Pradesh with its roots in ancient India. Bhojpuri is an important language chiefly spoken in eastern Uttar Pradesh, western Bihar, and northwestern Jharkhand in India, as well as by significant diaspora communities in countries like Mauritius, Suriname, Fiji, Guyana, Trinidad and Tobago, Nepal etc. It is estimated that more than twenty million people speak Bhojpuri in India, making it one of the most widely spoken languages in the country. It is also estimated that number of Bhojpuri speakers across the world is more than twenty eight lakh fifty thousand. Ironically, because of overwhelming official support to other languages, Bhojpuri language is listed as potentially vulnerable in the UNESCO World Atlas of Languages.

Similarly, apart from Bihar and eastern part of Uttar Pradesh, Magahi is also widely spoken in Jharkhand, West Bengal and parts of Odisha. It is considered to be an Indo-Aryan language with roots in the ancient Magadhi Prakrit, a language spoken by lord Buddha and is believed to have originated in the region of Magadha. It was the official language of the great Mauryan empire. The famous Vajrayani Buddhist poet Sarahapa is well recognised as the first Magahi poet. With large scale migration of people from these regions since last five hundred years, Magahi is also spoken in countries like Fiji, Jamaica, Trinidad and Guyana. It is also widely spoken in the Terai region of Eastern Nepal. It is estimated that there are about fifteen million Magahi speaking population in India alone. Magahi has been granted the status of second official language in Jharkhand State and the Government of Bihar has recommended to the Central Government for it to be included in the 8th Schedule of Indian Constitution. The United Nations has recognized the importance of Magahi by publishing the Charter of Human Rights in the language.

Despite this, both Bhojpuri and Magahi languages have been treated in step motherly manner which is evident from the fact that in the 2011 Census both these languages were grouped together under 'Hindi' and therefore the exact number of people speaking these languages is not available with the Government. Constitutional recognition to both these languages would give it official recognition, ensuring its use in Government administration and education for its development and promotion and can help preserve and promote our shared heritage. I would request the Government to include Bhojpuri and Magahi in the Eighth Schedule of the Constitution without any further delay.

Hence this Bill.

NEW DELHI;
July 4, 2025

RAJEEV RAI

Bill No. 187 of 2024

A Bill to make provisions for securing the right to paid menstrual leave for working women and female students and also to provide the access to menstrual hygiene facilities and other health benefits during the period of menstruation and for matters connected therewith.

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 Menstrual Leave and Hygiene Bill, 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) “educational institutions” means a place where persons of different ages study to gain an education, that includes any secondary or higher secondary school, college or institution or University imparting higher education;

(c) “employee” means –

(i) in respect of an establishment, a person, including an apprentice engaged under the Apprentices Act, 1961, employed on wages by such establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied;

52 of 1961.

(ii) a person declared to be an employee by the appropriate Government; and

(iii) a worker including a gig-worker, home-based worker and wage worker but does not include any member of the Armed Forces of the Union:

Provided that notwithstanding anything contained in this clause, in case of a mine a person is said to be— employed in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, whether for wages or not—

(a) in any mining operation (including the concomitant operations of handling and transport of minerals up to the point of dispatch and of gathering sand and transport thereof to the mine);

(b) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;

(c) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(d) in operations, within the premises of the mine, of loading for dispatch of minerals;

(e) in any office of the mine;

(f) in any welfare, health, sanitary or conservance services required to be provided under this Code relating to mine, or watch and ward, within the premises of the mine excluding residential area; or in any kind of work whatsoever which is preparatory or incidental to, or connected with, mining operations;

(d) “employer” means a person who employs, whether directly or through any person, or on his behalf, or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority, is so specified the head of the department and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes,—

(i) in relation to an establishment which is a factory, the occupier of the factory;

(ii) in relation to mine, the owner of the mine or agent or manager having requisite qualification under the law for the time being in force and appointed by the owner or agent of the mine as such;

(iii) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the establishment and where said affairs are entrusted to a manager or managing director, such manager or managing director;

(iv) Contractor; and

(v) legal representative of a deceased employer;

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

(f) “menstruation” means the natural bodily process of releasing blood and associated matter from the uterus through the vagina as part of the menstrual cycle;

(g) “menstrual cycle” means the monthly process in shedding of the uterus lining occurs through menstruation which lasts for about twenty-eight days but which may vary between women and from month to month;

(h) “prescribed” means as prescribed by the rules under this Act;

(i) “workplace” means a workplace as referred to in Section 2(o) of the Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

(j) “woman” means individuals with a uterus who experiences menstruation, regardless of their gender; and

(k) “working woman” means a woman who is employed whether directly or indirectly through any agency or contractor, as the case may be, for wages and remuneration.

3. The Act shall be applicable,—

(a) to every establishment being a factory, mine or plantation including any such establishment belonging to appropriate Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(b) to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State:

Provided that the State Government may, with the approval of the Central Government, after giving not less than month’s notice of its intention of so doing, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise; and

(c) to every person who is self-employed or working in the unorganized sector or in establishments where less than ten persons are employed.

Application of the Act.

CHAPTER II

RIGHTS OF WOMAN DURING MENSTRUATION

4. Every woman shall be entitled to the following rights,—

(a) in case of working woman Right to paid leave and absence from work for the prescribed number of days during her menstruation in any establishment registered with the appropriate Government;

(b) in case of students Right to leave of absence from educational institutions for the prescribed number of days during her menstruation; and

(c) right to free access to good quality and biodegradable menstrual health products and facilities free of cost.

Rights of Woman.

5. (1) Every woman enrolled in an educational institution shall be entitled to have a menstrual leave of two days for each menstrual cycle.

Menstrual leave for Students.

(2) The menstrual leave provided to the woman students shall not be counted for the purpose of determining the minimum percentage of attendance required or any other leave entitlements granted to students by the institutions under any rules, regulation and policies.

(3) Educational institutions may deny granting of menstrual leave to woman students during scheduled examinations:

Provided that the menstrual leave may be granted for those examinations which can be rescheduled and where the student is hospitalised.

Menstrual leave
for Working
Woman.

6. (1) Every woman employee in an establishment, either private or public, shall be entitled to have two days of paid menstrual leave for each menstrual cycle.

(2) The menstrual leave shall be provided in addition to any other leave entitlements provided by the establishment or the employers under any other law, contract or policy.

(3) The establishment may deny granting of menstrual leave to working woman in the following instances –

(a) where the presence of woman is deemed to be important to prevent any significant disruption to the functioning of the workplace; and

(b) where the presence of woman is deemed critical:

Provided that in the above mentioned situation, the employer shall provide an alternative arrangement or working conditions to the women who are working during the period of menstruation:

Provided further that if the woman requires additional leave beyond the prescribed number of days due to any serious health condition directly related to menstruation, then an additional leave of two days shall be given to the woman:

Provided also that the woman at the time of filing an application for claiming menstrual leave shall also attach a medical certificate from a certified medical practitioner:

Provided also that if the woman requires additional leave beyond the prescribed number of days but the health conditions pertaining to menstruation are not so serious, then the woman may,—

(a) choose to work from home, with full payment on the permission of the employees and nature of work;

(b) choose Half-day work, where the woman may receive salary for half a day at the discretion of the employer.

(4) Any absence beyond the period or prescribed under sub-section (2) shall be treated as unpaid leave:

Provided, upon the discretion of the employee, the additional unpaid leave shall be adjusted to the other forms of leave available to the working woman.

CHAPTER III

PROCEDURE FOR APPLICATION OF LEAVE

Submission
of Medical
Certificates or
Menstrual Leave
Eligibility.

7. (1) Any woman entitled to menstrual leave under this Act shall submit an initial medical certificate from a registered medical practitioner to the designated officer in the establishment or educational institution, as the case may be except in cases where there is a significant variation in the menstruation cycle as mentioned in sub-section (3).

(2) The medical certificate referred to in sub-section (1) shall specify the expected dates of menstrual cycle of the woman and the leave shall be granted by the employer or the head of the educational institution based on the dates indicated in the medical certificate:

Provided that any variations in the expected dates of menstrual cycle up to seven days shall be acknowledged, and the initial medical certificate submitted to be utilised for granting menstrual leave.

(3) In cases where there is significant variation in the expected date of menstruation which is beyond seven days, then the woman shall be required to submit a new medical certificate from a certified medical practitioner along with the application for menstrual leave to the designated officer of the establishment or educational institution, as the case may be.

(4) Upon submission of the new medical certificate by the woman under sub-section (2) the expected dates of menstruation mentioned and indicated therein shall be considered by the designated officer.

(5) The designated officer shall ensure that all medical certificates are kept confidential and used solely for the purpose of processing menstrual leave.

(6) The certificates submitted by the woman shall be returned within seven days after review and the recording of the expected dates of menstruation.

8. (1) Any woman entitled to menstrual leave under this Act may, at her own discretion, choose to not avail the leave of absence provided to her during the days of her menstruation:

Working during
Menstrual
Period.

Provided that no employer shall coerce or otherwise, compel any woman to not avail the leave of absence during her menstruation, the choice made shall be done voluntarily by the woman.

(2) Any woman, entitled to menstrual leave under this Act, voluntarily decides to not avail the leave of absence during the designated leave period, shall waive the right to carry forward or to accumulate the unused leave to next month or for future use.

(3) The woman who voluntarily chooses to not avail the benefit of leave of absence during the menstrual period, shall receive the same benefits as applicable during the regular days.

9. (1) Any women enrolled in an educational institution or employed in an establishment shall be entitled to claim for menstrual leave for the prescribed number of days per menstrual cycle under the provisions of this Act, through the submission of an application form.

(2) The woman employee or the student shall submit a Menstrual Leave Application Form to the designated officer of the establishment or the educational institutions, as the case may be either in electronic form or physical form, within a period of seven days from the taking of menstrual leave.

(3) The application shall include the following information namely,—

(a) full name of the woman;

(b) specific dates for which menstrual leave is being claimed;

(c) details based on their position and status as an employee or student in the establishment and educational institution; and

(d) a declaration affirming that the leave requested has been taken on account of menstruation.

(4) Upon receipt of the application, the establishment or the educational institution shall review the specific dates claimed with the recorded dates for menstruation and satisfied, shall provide an acknowledgment for granting the menstrual leave within seven days from receipt of application.

(5) All applications submitted by the woman shall be recorded and stored by the establishment or the educational institution in a confidential manner.

CHAPTER IV

HEALTH FACILITIES

Facilities to woman.

10. Every woman in her workplace or in the educational institution shall have access to good quality and biodegradable menstrual health products, including but not limited to sanitary napkins, menstrual cups, tampons and other necessary menstrual products free of cost.

Duties of Establishment and Educational Institutions.

11. Every establishment or educational institution shall –

(a) ensure that good and biodegradable menstrual health products including but not limited to sanitary napkins, menstrual cups, tampons and other necessary menstrual products, be stored in easily accessible and hygienic restrooms within their premises;

(b) provide to all the woman, the menstrual health products referred in clause (a), free of charge;

(c) ensure the implementation of Guidelines on Menstrual Hygiene Management (MHM) issued by the Central Government under the Swachh Bharat Mission Guidelines (SBM-G);

(d) ensure there are adequate waste-baskets, dustbins, trash-cans and tissue papers, toilet rolls, bags, envelopes or newspapers for the safe, secure and easy disposal of menstrual discharge;

(e) intimate in writing and electronically to every woman, every benefit available to her under this Act;

(f) ensure that the menstrual health products provided to the woman are changed and restocked on a monthly basis, so as to guarantee their availability and quality at all times; and

(g) take such steps, as may be necessary, for creating awareness among the women employees and students on menstrual hygiene management and removing the stigma or taboo associated with menstruation.

CHAPTER V

GRIEVANCES AND REDRESSAL

12. (1) Every workplace and educational institution shall establish a Menstrual Leave Board to oversee, monitor, regulate, govern and address the issues relating to the implementation of menstrual leave for women employees and students, respectively.

(2) The Menstrual Leave Board shall consist of the following members to be nominated by the employer,—

(a) a woman employed at a senior level at workplace and educational institutions who shall be the Chairperson of the Board; and

(b) not less than two members from amongst the employees from the workplace and students from educational institutions.

(3) The Menstrual Leave Board shall,—

(a) grant or deny the Menstrual Leave Application Form;

(b) hear any complaint or grievances arising from the denial and misuse of menstrual leaves entitled to them;

(c) conduct inquiries and reports of any complaint;

(d) prepare Report on the number of leaves taken and not taken on the name of menstrual leave;

(e) maintain confidentiality of the menstrual leave matters; and

(f) maintain of the records pertaining to the menstrual leaves granted that must be submitted.

(4) The menstrual leave Board shall address the grievance pertaining to menstrual leave in an establishment and educational institution within fourteen days from the date of complaint being submitted.

CHAPTER VI

PENALTIES AND PROTECTIONS

13. Whoever,—

Punishments.

(a) denies leave to a woman during her menstruation; or

(b) obstructs a woman from the entitlement of menstrual leave; or

(c) makes a false claim or certificate for availing the benefits; or

(d) contravenes any provision of this Act,

shall be liable for punishment in the form of fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees for the first offence and for any subsequent offence with fine which shall not be less than two lakh rupees but may extend to five lakh rupees, along with community services as may be prescribed by the Menstrual Leave Board.

14. No woman in an establishment or an educational institution shall face any form of discrimination on the reason of her availing menstrual leave.

Protection
against
Discrimination.

CHAPTER VII

MISCELLANEOUS

15. The Central Government shall, after due appropriation made by Parliament by law on this behalf, provide such sums of money named Menstrual Health Facilities Fund to the State Governments as it thinks necessary for carrying out the provisions of this Act.

Menstrual
Health Facilities
Fund.

16. The appropriate Government shall appoint, as many as officials as it thinks fit, for the purpose of reviewing the report maintained by the establishment and educational institutions on the granting of menstrual leave for the woman employees and students respectively:

Role of
Government
Officers.

Provided where there more than one officer is appointed for the purpose of reviewing the menstrual leave reports made by the establishments and education institutions, then the State Government shall designate one of such officers as the Chief Officer which shall be responsible for delegating the tasks to other officers as may be prescribed.

17. (1) The Central and State Governments may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

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

STATEMENT OF OBJECTS AND REASONS

Menstruation is a biological process that women experience every month, often accompanied by severe pain, discomfort, fatigue and strain. Menstruating women faces a lot of biological and physical challenges during their menstrual cycle. There is an urgent necessity of a legal framework pertaining to menstrual leave to address this issue, ensuring the protection and dignity of women in workplaces and educational institutions.

History of paid menstrual leave dates back to a period as early as World War II. Globally, several countries, including Japan, South Korea, Mexico, Taiwan, Indonesia and Italy have recognized the importance of menstrual leave and have enacted laws or introduced policies to provide women with paid leave during menstruation. Certain companies, schools and universities have already introduced menstrual leave. However, there remains a lack of a nationwide legislation to safeguard the rights of menstruating individuals. Moreover, a girls school in the State of Kerala has granted students with menstrual leave as early as 1912.

The concept of menstrual leave is an extension of scope of Article 21 of the Constitution of India, which mentions that one should not be expected to work while menstruating due to their discomfort and pains caused during that period. Inadequate sanitary facilities and lack of adequate menstruation alternatives, violate both the basic right and human right to health.

The proposed bill shall provide working women and students with the right to menstrual leave for two days during their menstrual cycle. The bill also mentions the procedure and guidelines for claiming menstrual leave through the submission of medical certificates and applications.

The bill prohibits any form of discrimination against women for availing the benefits of menstrual leave, ensuring that they are not unfairly treated or penalized. The bill also ensures mandatory and free access of women to good quality and biodegradable menstrual health products in workplaces and educational institutions. The bill is also provided with mechanisms to file grievances for misuse and denial of menstrual leave.

The proposed legislation thus seeks to entitle all menstruating women to two days of paid leave per menstrual cycle to safeguard their health, welfare and constitutional rights. The bill is enacted to create a progressive framework that supports the mental and physical well being of menstruating individuals.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHAMBHAVI

FINANCIAL MEMORANDUM

Clause 15 of the Bill provides that Central Government shall, after due appropriation made by Parliament by law on this behalf, provide such sums of money named Menstrual Health Facilities Fund to the State Governments as it thinks necessary for carrying out the provisions of this Act. Clause 16 provides that the appropriate Government shall appoint, as many officials as it thinks fit, for the purpose of reviewing the report maintained by the establishment and educational institutions on the granting of menstrual leave for the woman employees and students respectively. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore would be involved from the Consolidated Fund of India per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules and regulations will relate to matters of detail only, the delegation of legislative power, is therefore, of a normal character.

Bill No. 217 of 2024

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

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 Prevention of Cruelty to Animals (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.

Amendment of
section 11.

2. In section 11 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), —

59 of 1960.

(a) in sub-section (1) —

(i) for the words, “fifty rupees”, the words “fifty thousand” shall be substituted;

(ii) for the words “one hundred”, the words “one lakh” shall be substituted; and

(b) in sub section (3), clause (a) and (b) shall be omitted.

Amendment of
section 12.

3. In section 12 of the principal Act, for the words “one thousand rupees”, the words “fifty thousand rupees” shall be substituted.

Insertion of new
section 13A.

4. After section 13 of the principal Act, the following section shall be inserted, namely: —

Penalty for
sexual offences.

“13A. (1) Whoever voluntarily has carnal intercourse against the order of nature with any animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation:— For the purposes of this section penetration shall be deemed to be sufficient to constitute the carnal intercourse necessary to the offence described in this section.”.

Amendment of
section 20.

5. In section 20 principal Act, for the words “two hundred rupees”, the word “one lakh rupees” shall be substituted.

Amendment of
section 29.

6. In section 29 principal Act, in sub-section (5), for the words “one hundred rupees”, the word “one lakh rupees” shall be substituted.

Amendment of
section 38.

7. In section 38 principal Act, in sub-section (3), for the words “one hundred rupees”, the words “one lakh rupees” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

India has a long-standing tradition of compassion and respect towards animals, enshrined in both cultural values and legal frameworks. The Prevention of Cruelty to Animals Act, 1960, was established to prohibit the infliction of unnecessary pain or suffering on animals and to promote their welfare. However, since the enactment of this legislation, over six decades have passed, during which the dynamics of animal welfare, the complexity of issues and the scope of cruelty have evolved significantly. Additionally, the penalties specified under the 1960 Act have become outdated and insufficient to address or deter the increasing incidents of animal cruelty effectively.

Recent data and reports indicate a rise in incidents of animal cruelty across the country, highlighting the urgent need for legislative reform. These include cases of physical abuse, neglect, intentional harm, and even heinous offenses such as sexual assault on animals. The current fines and penalties, often amounting to a mere ₹50 or ₹100, are inadequate in addressing the severity of these crimes, often allowing offenders to escape with minimal consequences. Consequently, there is an immediate need to strengthen the punitive measures under the Act to align with modern-day sensibilities and to act as a robust deterrent against cruelty towards animals.

The primary objective of this Amendment Bill is to enhance the penalties for offenses committed against animals and to introduce specific provisions for particularly grave offenses. This includes amendments to Section 11, 12, and other key sections of the Act, increasing fines significantly—from a nominal ₹50 to ₹50,000 and up to ₹1 lakh, depending on the nature and severity of the offense. The Bill also proposes the introduction of Section 13A, which explicitly addresses sexual offenses against animals, mandating imprisonment for life or a term extending up to ten years for such heinous acts. This inclusion underscores the seriousness with which these acts are viewed and aims to protect animals from severe exploitation and harm.

The current penalties under the 1960 Act are no longer proportionate to the offense and fail to reflect society's evolving understanding of animal welfare and rights. Penalties such as ₹50 or ₹100, which were set decades ago, have lost their deterrent effect in today's socio-economic context. Studies and recommendations from animal welfare organizations emphasize that stronger financial penalties and stringent prison terms are essential to instill a sense of accountability among offenders. By increasing fines to amounts such as ₹50,000 and ₹1 lakh, this Bill aims to provide a more impactful deterrent, discouraging individuals from engaging in or condoning acts of cruelty towards animals.

Moreover, the Amendment seeks to standardize penalties across different sections, thus creating a uniform approach towards addressing cruelty. With the increase in the amount of fines and prison terms, the Bill aligns with global practices where penalties for animal cruelty are set at levels that reflect the seriousness of these offenses. For instance, countries such as Germany, the United Kingdom, and the United States impose substantial fines and prison terms, reinforcing the view that cruelty against animals is unacceptable and punishable by law.

Enhancing penalties and introducing stricter provisions in the Prevention of Cruelty to Animals Act will have a far-reaching impact on both animal welfare and societal behavior. With stricter financial and custodial penalties, this Amendment aims to deter potential offenders and to create a safer and more humane environment for animals across India. This will foster a culture where animals are treated with compassion, respect, and dignity, aligning with India's cultural ethos and the principles of "Ahimsa" (non-violence). Furthermore, increased penalties will empower enforcement agencies to take meaningful action against violators, ensuring that justice is served in cases of animal abuse.

The Bill's provision under Section 13A addressing sexual offenses against animals is a vital inclusion, given the deeply disturbing nature of such acts. This specific provision is intended to curb such heinous crimes by enforcing strict punishment, including life imprisonment, to signify that these offenses will be met with the highest degree of legal severity. This clause reflects the growing recognition of the need to protect animals from sexual exploitation and to provide them with a safe, dignified existence.

In conclusion, this Bill is an essential reform aimed at strengthening the legal framework for animal welfare in India. The proposed increase in fines and the addition of custodial sentences for serious offenses will create a robust deterrent effect, contributing to a substantial reduction in instances of cruelty towards animals. By aligning with current societal values and providing stringent punishments for grave offenses, this Bill will support the ongoing efforts to promote animal welfare and make India a global example in compassion and care towards all living beings.

Hence this Bill.

NEW DELHI;
November 13, 2024.

SHAMBHAVI

Bill No. 203 of 2024

A Bill further to amend the National Commission for Women Act, 1990.

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 Women (Amendment) Act, 2024.

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

Short title and
commencement.

Amendment of
section 10.

2. In section 10 of the National Commission for Women Act, 1990,—

20 of 1990.

(a) in sub-section (1)—

(i) in clause (e) after the words “with the appropriate authorities”, the words “and make recommendations and/or take appropriate measures for the effective implementation of those provisions” shall be inserted; and

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

“(fa) intervene in any matter involving any allegation of violation of the rights of women or of the safeguards provided for women under the Constitution or any other law for the time being in force pending before a court with the approval of such court.”.

(b) in sub-section (4), after the words “while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (1)”, the words “or inquiring into any complaints under this Act” shall be inserted;

(iv) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(4A) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of sections 211 and 212 of Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

(4B) The Commission shall be deemed to be a civil court for the purposes of any offence as is described in section 210, section 213, section 214, section 215 or section 267 of the Bharatiya Nyaya Sanhita, 2023 and if any offence is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Bharatiya Nyaya Sanhita, 2023, forward the case to a Magistrate having jurisdiction to try the same.

(4C) If after, investigation into any complaint under this section, the Commission is satisfied that a person has committed any criminal offence, then it may pass an order to that effect and initiate prosecution of the person concerned, if there is no necessity for prior sanction; and if prior sanction of any authority is required for such prosecution, then notwithstanding anything contained in any law, such sanction shall be granted by that authority within thirty days of the request by the Commission and if such sanction is not granted within the said period such sanction shall be deemed to have been granted by the authority.”.

STATEMENT OF OBJECTS AND REASONS

The National Commission for Women Act was enacted to establish the National Commission for Women (NCW) in India. The NCW's primary purpose is to promote and protect women's rights, address grievances, advocate for policy changes, raise awareness, and monitor the status of women's rights. It provides a legal framework to empower women and work towards gender equality in the country. Since the enactment of the Act, the number and forms of such cases have increased tremendously and the judicial bodies have remained limited as they were before, putting a burden on the judicial courts. It has, thus, become necessary to widen the scope of the Act so as to widen the scope of the powers of the National Commission of Women.

The Parliamentary Committee on Empowerment of Women has also recommended that the commission be equipped with more powers through suitable amendments. It has been observed by the panel that the power of the commission is not equipped to deal effectively in bringing women on a par with their male counterparts in every aspect of socio-economic development in the country. The perception of its effectiveness varies, and ensuring compliance with its recommendations, particularly in cases involving influential entities, remains a challenge. Addressing these issues often necessitates legislative changes, increased resources, and public awareness campaigns to enhance the NCW's effectiveness in protecting and promoting women's rights.

It is thus imperative to amend the principal act in order to accommodate the required changes for improving the situation of women's rights and providing power to the National Commission for Women. Thus, this amendment act is to fulfil its above stated objective, empower the Commission to enhance its ability to take swift legal actions in response to violations, ensuring that justice is served promptly.

Furthermore, recognizing the Commission as a judicial court and granting it corresponding powers is aimed at enhancing its investigative and adjudicative capabilities, ensuring that it can conduct fair and impartial investigations in line with legal principles. The amendment also fills the void and give power to the commission to inquire the matter and to call for all those individuals which the commission thinks are aware of the incident. This amendment empowers the commission to initiate prosecution if after investigation the commission is satisfied. These changes aim to make the Commission's work more efficient in safeguarding women's rights.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHAMBHAVI

Bill No. 272 of 2024

A Bill to provide for reservation for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, De-notified Tribes and Semi-nomadic communities in private sector and for matters connected therewith.

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 Reservation for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, De-notified Tribes and Semi-nomadic Communities in Private Sector 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) "private sector" means any organization, establishment, educational institutes or institution which is owned fully by private individual or corporation or limited company or an organization in which the Government of India or a State has no financial interest and wherein not less than one hundred persons are employed; and

(b) "prescribed" means prescribed by rules made under this Act

3. (1) The Central Government shall give due encouragement to private sector to make provisions for reservation in favour of persons belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, De-notified Tribes and Semi-nomadic communities.

Government provide incentives to Private Sector to make provisions for reservation.

(2) The encouragement as provided in sub-section (1) may include—

- (i) special concessions under various existing Central schemes; and
- (ii) loans from nationalized banks at lower rate of interest.

4. The Central Government shall cause to be laid an annual report before both Houses of Parliament about the action taken under this Act.

Annual Report

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

Power to make Rules.

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

STATEMENT OF OBJECTS AND REASONS

At present reservation is available in favour of persons belonging to the Scheduled Castes, the Scheduled Tribes and OBCs under the State. The number of posts and appointments in Government sector has come down considerably, especially after the economic liberalization. Now, the private sector is more involved in the nation building activities and infrastructure and economical projects. Also, people belonging to the Scheduled Castes and the Scheduled Tribes, OBCs find it very difficult to get into Government service due to less number of posts available. At present, there is no provision for reservation in favour of persons belonging to the Scheduled Castes , Scheduled Tribes, OBCs , De-notified Tribes and Semi-nomadic Communities in services under private sector. But the Government cannot force private sector to make reservation for them. This can be done only by providing concessions and special schemes to encourage private sector to provide reservation.

Hence, the Bill.

NEW DELHI;
November 14, 2024.

GANESH SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislation powers is of a normal character.

Bill No. 273 of 2024

A Bill to provide for the use of Hindi language in the proceedings of the Supreme Court and certain other provisions and for matters connected therewith.

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 Supreme Court (Use of Hindi in Proceedings and Other Provisions) Act, 2024.

Short title and commencement.

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

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

Definitions.

(a) “appointed day” means the date as may be notified by the appropriate Government for the purposes of this Act;

(b) "document" means document as defined in section 2 of the Bharatiya Saskshaya Adhiniyam, 2023;

(c) “party” includes any person authorized by the party to the matter or an advocate for the party;

(d) “proceedings” includes pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgment, decree or order and such other matters as may be prescribed by the Supreme Court or a High Court, as the case may be; and

(e) "Supreme Court" means the Supreme Court of India.

3. (1) From the appointed day, any party to proceeding before the Supreme Court shall have the right to prefer the Hindi language in conduct of such proceedings.

Right of the Party to Prefer Hindi language during the course of proceedings.

(2) The party to the proceeding shall make an application to the Supreme Court for the conduct of the proceedings in the Hindi language in such manner as may be laid down by the Supreme Court under section 4.

4. (1) Where any party to a proceeding has made preference for the conduct of the proceedings in Hindi language, the Supreme Court shall conduct proceedings before it in the Hindi language.

Conduct of proceedings in the Supreme Court.

(2) The Supreme Court may lay down by rules the procedure for conduct of proceedings in the Hindi language:

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the Hindi language.

5. The Central Government shall,-

Measures by
Central
Government.

(a) bear the expenses of translation of proceedings from Hindi language in English language with use of Artificial Intelligence bases tools or translators; and

(b) ensure availability of requisite infrastructure in the Supreme Court for conduct of proceedings in the Hindi language in the Supreme Court from the appointed day.

Explanation. — For the purpose of this section, requisite infrastructure includes appropriate translation, typing facility in the Hindi language and such other facilities as may be necessary for conduct of the proceedings in the Hindi language.

STATEMENT OF OBJECTS AND REASONS

Under Article 348(1) of the Constitution of India, Parliament is empowered to make laws for the use of languages other than English for judicial proceedings in the Supreme Court. However, the requirement of English alone in proceedings creates a major barrier for a significant population of India, who is not proficient in English, thereby making it difficult to get justice at the highest level.

Access to justice is a fundamental right of democracy and is protected under article 14, 21 and 39 of the Constitution. According to the 2011 Census of India, about 43.63 percent of India's population and more than 52.8 crore people identify Hindi as their primary language, while only about 10.6 percent of the population is proficient in English. The Bill seeks to remove this linguistic disparity by permitting Hindi-speaking petitioners to "file documents and make oral submissions in Hindi in the Supreme Court".

Further, Global Best Practices underscore the importance of linguistic inclusivity in judicial systems. For example Judicial proceedings are allowed in Canada in both English and French, ensuring accessibility in both official languages. In Belgium judicial proceedings are allowed in Dutch, French and German, according to regional demographics. 11 official languages have been recognized in South Africa, allowing citizens to access justice in their mother tongues. In Switzerland, proceedings in legal cases are allowed in German, French, Italian and Romance, which reflects its linguistic diversity. Petitions in 24 official languages are accepted in the Court of Justice of the European Union, ensuring fairness and inclusivity.

By enabling the use of Hindi in the judicial proceeding of Supreme Court and by implementing translation technologies, India keeps pace with these international standards while respecting global standards and its language diversity. This Bill ensures clarity and access to justice for all citizens.

Hence this Bill.

New Delhi;
November 13, 2024.

GANESH SINGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Central Government shall take such measures as may be necessary ensuring availability of requisite infrastructure to the Supreme Court for conduct of proceedings in the Hindi language in the Supreme Court from the appointed day. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

Bill No. 232 of 2024

A Bill to provide for reservation in posts and services under the Central Government and private sector for persons belonging to the Scheduled Castes and Scheduled Tribes and timely filling up of vacancies meant for Scheduled Castes and Scheduled Tribes to ensure their equal representation 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 Scheduled Castes and Scheduled Tribes (Reservation in Posts and Services and Filling up of Vacancies in a Time Bound Manner) 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) “appointing authority”, in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) “establishment” means every such establishment owned, established, controlled, managed or financed by the Government and includes—

(i) a Ministry or department or subordinate office or attached office of the Government;

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent. of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions;

(v) a primary or secondary school or any other educational institution including private unaided and aided institutions;

(vi) an industry, trade or business;

(vii) a Government company as defined under section 2(45) of the Companies Act, 2013; and

(viii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India;

(c) "Government" means the Central Government;

(d) "private sector" means any organisation or establishment which is not owned by the Central Government;

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

(f) "promotion by non-selection" means promotion made on the basis of seniority cum-fitness;

(g) "promotion by selection" means promotion made on the basis of merit-cum seniority;

(h) "recruitment year" means the calendar year for which the recruitment is made;

(i) "Scheduled Caste" shall have the same meaning assigned to them in clause (24) of article 366 of the Constitution;

(j) "Scheduled Tribes" shall have the same meaning as assigned to them in clause (25) of article 366 of the Constitution; and

(k) "vacancy" means vacancy in a service or post reserved for the Scheduled Castes and Scheduled Tribes in the offices under the Central Government or in establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent. shares are held by the Central Government.

3. (1) The Government shall reserve such percentage of posts for persons belonging to the Scheduled Castes and Scheduled Tribes for appointment in establishments and private sector by direct recruitment and promotion, as may be prescribed.

Reservation in appointment by direct recruitment and promotion.

(2) The posts reserved under sub-section (1) shall be filled in such manner, as may be prescribed.

4. In the case of promotion by selection from one Group 'A' post to another Group 'A' post in Government which carries the scale of pay, the maximum of which is equal to or less than the maximum of the scale of pay of a Director in the Central Secretariat Service or equivalent posts in other establishments, the officers belonging to the Scheduled Castes and Scheduled Tribes shall be considered for appointment.

Inclusion of the Scheduled Castes and the Scheduled Tribes officers in select list in case of promotion within Group 'A'.

5. (1) Appointment to an unreserved vacancy shall be open to all eligible persons including a person belonging to the Scheduled Castes and Scheduled Tribes.

Unreserved vacancies to be open to members of the Scheduled Castes and Scheduled Tribes.

(2) Where such unreserved vacancy is filled by direct recruitment or promotion by selection by a person belonging to the Scheduled Castes and Scheduled Tribes on the basis of merit, then, such person shall be appointed against the unreserved vacancy.

6. (1) The maximum age limit fixed for direct recruitment to a service or post shall be relaxed by five years for persons belonging to the Scheduled Castes and Scheduled Tribes. Relaxation of age.

(2) The maximum age limit fixed for promotion to a post, if any, shall be relaxed by five years for persons belonging to the Scheduled Castes and Scheduled Tribes.

7. The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, shall be reduced to such extent for persons belonging to the Scheduled Castes and Scheduled Tribes, as may be prescribed. Fee concession.

8. (1) Any standard of suitability, excluding the essential and desirable qualifications, required for appointment by direct recruitment to a post shall be relaxed for persons belonging to the Scheduled Castes and Scheduled Tribes, if sufficient number of such candidates possessing requisite standards are not available to fill the vacancies reserved for them. Relaxation in qualifications and experience.

(2) The experience required for appointment by direct recruitment to a post shall be relaxed for persons belonging to the Scheduled Castes and Scheduled Tribes, if at any stage of selection, sufficient number of such candidates possessing the requisite experience are not available to fill the vacancies reserved for them.

9. (1) Where a qualifying examination is held to determine fitness of eligible persons for promotion by non-selection and sufficient number of persons belonging to the Scheduled Castes and Scheduled Tribes fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards shall be relaxed, consistent with the minimum standards of fitness required for appointment to the post, in the case of persons belonging to the Scheduled Castes and Scheduled Tribes. Reservation in case of promotion

(2) Where qualifying examination is held to determine merit of eligible persons for promotion by selection and sufficient number of persons belonging to the Scheduled Castes and Scheduled Tribes fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards shall be relaxed, consistent with the minimum standards of merit required for appointment to the posts, in the case of persons belonging to the Scheduled Castes and Scheduled Tribes.

10. The vacancies reserved for persons belonging to the Scheduled Castes and Scheduled Tribes shall be filled by persons belonging to the Scheduled Castes and Scheduled Tribes, respectively.

Reserved vacancies to be filled by persons belonging to the Scheduled Castes and Scheduled Tribes respectively.

11. Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of persons belonging to the Scheduled Castes and Scheduled Tribes, if it results in lowering their representation in relation to the percentage of reservation fixed for them.

Abolition of posts not to affect the representation of members of Scheduled Castes and Scheduled Tribes.

12. (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder or any direction or instruction issued by the Government regarding reservation are not contravened.

Liaison officer.

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of persons belonging to the Scheduled Castes and Scheduled Tribes made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that the establishment of which he is the liaison officer has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall report such contravention to such authority as the Central Government may by notification designate.

(4) On receipt of report of contravention under sub-section (3), the designated authority shall take such action against the person responsible for such contravention as may be prescribed.

13. (1) Every appointing authority, or an officer authorised by him in this behalf, shall maintain such documents and records, and furnish every year a report on the appointments of persons belonging to the Scheduled Castes and Scheduled Tribes made by direct recruitment and promotion, in such manner and at such time, as may be prescribed.

Maintenance of documents and records and furnishing of report by appointing authority.

(2) The appointing authority or any other officer authorised by him shall make available such documents and records for inspection, furnish such information, and render such assistance, to the liaison officer, as may be necessary, to enable him to carry out his functions under this Act.

14. The Central Government shall, subject to the availability of finance and other resources, develop and organise training programmes to advance the competence of persons belonging to the Scheduled Castes and Scheduled Tribes for appointment to services and posts.

Training programme for Scheduled Castes and Scheduled Tribes.

15. Whoever knowingly makes a false claim that he is a member of the Scheduled Caste or Scheduled Tribe shall be liable to punishment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

Penalty for making false claim

16. Whoever knowingly issues a false Scheduled Caste or Scheduled Tribe certificate shall be liable for punishment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

Penalty for issuing false caste certificate.

17. (1) Every appointing Authority shall, within one month of the existence of a vacancy, compulsorily notify that vacancy.

Compulsory notification of vacancies reserved for the Scheduled Castes and Scheduled Tribes.

(2) The vacancies referred to in sub-section (1),—

(a) besides being notified by the Employment Exchange, shall also be notified in such newspapers, including vernacular newspapers, as may be prescribed; and

(b) shall be given wide publicity on State run and other media channels.

18. (1) Every vacancy notified under section 17 shall be filled within six months from the date of notification.

Compulsory filling of vacancies reserved for the Scheduled Castes and Scheduled Tribes

(2) Every unfilled vacancy shall be carried forward till such vacancy is filled and in no case shall be de-reserved.

19. Whoever, intentionally contravenes the provisions of section 18 shall be liable to punishment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

Penalty for not notifying or filling vacancies.

20. All memoranda issued or purported to have been issued by the Government in relation to reservation of posts in civil services for members of the Scheduled Castes and Scheduled Tribes, immediately before the commencement of this Act, shall, in so far as they relate to the matters for which provisions have been made in this Act and are not inconsistent therewith, be deemed to have been issued under this Act as if this Act had been in force on the date on which such memoranda were issued.

Existing office memoranda to continue.

21. The Government may, for giving effect to the provisions of this Act or the rules made thereunder, issue such directions to establishments, as it deems fit.

Power to issue directions.

22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

23. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. Power to make rules.

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

(a) the percentage of posts for reservation and the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 12;

(e) the documents and records to be maintained and the time and manner of furnishing report under sub-section (1) of section 13.

(3) 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

The principles of social justice and affirmative action are fundamental to the Indian Constitution, which guarantees equality and prohibits discrimination on the grounds of caste, religion, race, and sex. The Scheduled Castes (SCs) and Scheduled Tribes (STs), as historically marginalized communities, have faced systemic discrimination, exclusion, and deprivation. As part of the broader effort to uplift these communities, the Indian government has implemented reservations in public sector jobs and services, as mandated by the Constitution under Articles 15(4), 16(4), and 46.

However, despite the provision of reservations, there have been significant delays in filling reserved vacancies, resulting in a backlog that denies SCs and STs timely access to employment opportunities. These delays further exacerbate the socio-economic disparities between these communities and others. The Bill aims to address these challenges by ensuring that vacancies reserved for SCs and STs are filled in a time-bound and systematic manner, with clear timelines and accountability mechanisms. The Bill also seeks to strengthen the reservation framework to enhance the representation of SCs and STs in public services, ensuring that they benefit from the constitutional provisions designed to improve their socio-economic status.

One of the major challenges in the implementation of reservation policies has been the delay in filling up vacancies reserved for SCs and STs in government departments, public sector enterprises, and state institutions. These delays arise due to various reasons, including bureaucratic inefficiencies, procedural bottlenecks, and lack of accountability. As a result, the intended beneficiaries of reservations, i.e., the SCs and STs, are often deprived of job opportunities in a timely manner, leading to frustration, alienation, and perpetuation of inequalities. The Bill aims to address this problem by establishing clear timelines for the filling of reserved vacancies and creating mechanisms for monitoring and enforcement.

A core principle of this Bill is to promote equality of opportunity for SCs and STs in public sector employment. While reservation is a necessary tool for rectifying historical injustices, it is equally important that these provisions are effectively implemented to make a tangible difference in the lives of SC and ST individuals. Timely filling of reserved posts will allow these communities to benefit from the affirmative action intended for their welfare and advancement, contributing to a more just and inclusive society.

The Bill mandates that all vacancies reserved for SCs and STs in central and state government services be filled within a fixed and reasonable time frame. The proposed time limit will ensure that SCs and STs are not left waiting for prolonged periods to access their constitutional rights.

The Bill is an important legislative measure to ensure that the constitutional provision of reservation in public sector jobs for SCs and STs is implemented efficiently and effectively. The Bill will address the critical issue of delayed recruitment, reduce backlogs, and provide a framework for transparent, accountable, and time-bound filling of reserved vacancies.

By ensuring that vacancies reserved for SCs and STs are filled within a stipulated time frame, the Bill seeks to accelerate the socio-economic empowerment of these communities, provide them with equal opportunities for growth, and contribute to a more inclusive and just society. The timely and effective implementation of this Bill will go a long way in fulfilling the constitutional promise of justice, equality, and opportunity for all citizens, regardless of their caste or tribe.

Hence this Bill.

New Delhi;

ARUN BHARTI

November 13, 2024.

FINANCIAL MEMORANDUM

Clause 17 of the Bill provides for compulsory notification and publicity of vacancies reserved for persons belonging to the Scheduled Castes and Scheduled Tribes. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be involved per annum.

No non-recurring expenditure will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 3 of the Bill empowers the Central Government to prescribe the extent and manner of reservation by direct recruitment and promotion in civil services for persons belonging to the Scheduled Castes and Scheduled Tribes. Sub-clause (2) thereof empowers the Central Government to prescribe the manner of filling such vacancy.

2. Clause 7 of the Bill empowers the Central Government to prescribe the extent of fee concession for persons belonging to the Scheduled Castes and Scheduled Tribes.

3. Sub-clause (1) of clause 12 of the Bill empowers the Central Government to prescribe the rank of the officer who may be designated as the liaison officer.

4. Sub-clause (1) of clause 13 of the Bill empowers the Central Government to prescribe the manner of maintaining documents and records, and the manner and time of furnishing report on appointments of the members of the Scheduled Castes and Scheduled Tribes made by direct recruitment and promotion, by the appointing authority.

5. The matters in respect of which rules may be made or notification may be issued are essentially matters of detail or procedure. The delegation of legislative power is, therefore, of a normal character.

Bill No. 244 of 2024

A Bill further to amend the Environment (Protection) Act, 1986.

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 Environment (Protection) Amendment Act, 2024.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

Definitions.

2. In section 2 of the Environment (Protection) Act, 1986 (hereinafter referred to as principal Act), existing clause (a) shall be renumbered as clause (ab), and before clause (ab) so as re-numbered, the following clauses shall be inserted, namely:

29 of 1986.

“(a) “circular economy” means an economic model and the policies and practices which give effect to—

(i) production and distribution processes in respect of goods, products and materials are designed so as to minimise the consumption of raw materials associated with the production and use of those goods, products and materials;

(ii) the delivery of services is designed so as to reduce the consumption of raw materials;

(iii) goods, products and materials are kept in use for as long as possible thereby further reducing the consumption of raw materials and impacts harmful to the environment;

(iv) the maximum economic value is extracted from goods, products, and materials by the persons using them; and

(v) goods, products and materials are reused and recycled at the end of their useful life; and

“(aa) “circular economy strategy” means policies of circular economy based on—

(i) reductions in material resource consumption and the use of non-recyclable materials;

(ii) increases in the use of re-usable products and materials;

(iii) increased levels of repair and re-use of products and materials; and

(iv) improved maintenance and optimised use of goods, products and materials, which are applicable in the construction, agriculture, retails, packaging, textiles and electronic equipment sector;”.

Amendment of section 3.

3. In section 3 of the principal act, in sub-section (2) after clauses (xiii), the following clause shall be inserted, namely —

“(xiiia) planning and execution of the circular economy strategy.”

Insertion of new Chapter III-A.

4. The existing sections 16A and 16B of the provisions shall be renumbered as 16B and 16C, respectively and before the section 16B so as renumbered the following section shall be inserted, namely:

Constitution of Circular Economy Fund.

“16A— (1) The Central Government shall by notification in the official Gazette, constitute a Fund to be known as the Fund for Promotion of Circular Economy.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) The Fund for promotion of Circular Economy shall be applied for undertaking circular economy strategy.

(4) The Central Government shall notify the administration for the administration of the Fund and other matters connected therewith and incidental thereto in such manner as may be prescribed.”.

Amendment of section 16B and 16C.

5. In section 16B and section 16C so as renumbered for the words “Environment Protection Fund” wherever they occur, the words “Environment Protection Fund and the Fund for Promotion of Circular Economy” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Environment Protection Act of 1986 is a crucial piece of legislation in India that provides the legal framework for environmental protection and the conservation of natural resources. It establishes the regulatory authority of the Government to control and prevent pollution, protect the environment, and manage hazardous substances.

The concept of a circular economy is a sustainable approach to resource management and economic development that aims to minimize waste and environmental impact while maximizing the efficient use of resources. It is a stark departure from the traditional linear economy, where products are made, used, and then discarded as waste. In a circular economy, products, materials, and resources are designed, produced, and consumed in a way that ensures they are reused, refurbished, remanufactured, and recycled as much as possible. The ultimate goal is to create a closed-loop system that reduces the need for new resource extraction and minimizes the generation of waste. For India, circular economy has the potential to be upwards of \$45 Billion by 2030 and the private sector stands to gain a first-mover advantage to secure green investments for applying circular economy in their operations.

Circularity is not a maiden concept in India — it is intrinsic to the fabric of Indian society, rooted in age-old practices and cultural values that prioritise resourcefulness and waste reduction. However, with the nation experiencing rapid economic growth, the challenges of swift urbanisation and industrialisation have escalated, and per capita consumption of resources, particularly the non-renewables have increased, resulting in the widespread and prevalent adoption of the take-make-dispose model in the country today.

Incorporating the circular economy concept into the Environment Protection Act of 1986 is essential for India to address its pressing environmental challenges, promote sustainable development, and create a framework for businesses and industries to transition towards more eco-friendly and resource-efficient practices. It not only protects the environment but also promotes economic growth, aligns with international standards, and enhances India's global standing in the context of environmental responsibility. Furthermore, by including circular economy principles, the Government can enforce and monitor sustainable practices, ensuring businesses comply with environmental protection laws. This regulatory framework can promote a culture of environmental responsibility.

The amendment proposes the insertion of two new definitions of 'circular economy' and 'circular economy strategy' which will serve as a foundation for the Central Government to establish rules while including the circular economic model. Furthermore, Section 3 of the Principal Act are amended to the effect of including the power to lay down policies and procedures in the furtherance of circular economy strategy.

Hence this Bill.

NEW DELHI;
November 12, 2024

ARUN BHARTI

FINANCIAL MEMORANDUM

Clause 5 provides for constitution of a Fund for Promotion of Circular Economy. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred fifty crore will be involved.

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

Bill No. 152 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

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 338B of the Constitution, the following article shall be inserted, namely:—

Insertion of new
section 338C.

“338C. (1) There shall be a Commission for the socio-economic development of the Youth to be known as the National Commission for Youth.

National
Commission for
Youth.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine:

Provided that the Chairperson, Vice-Chairperson and Members of the Commission shall not be more than forty-five years of age.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

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

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Youth under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Youth;

(c) to advise on the socio-economic development of the Youth and to evaluate the progress of their development under the Union and any State;

(d) to work out a comprehensive medium-term strategy for employment, entrepreneurship, health and education of the youth;

(e) to bring about synergy between technology and public policy and recommend measures for creating employment opportunities in rural and urban areas through diversification, application of appropriate technology and skill development;

(f) to formulate a national policy for the overall development of youth in the country; and

(g) to discharge such other functions in relation to the protection, welfare and development and advancement of the Farmers as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(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.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting the youth.”.

3. In article 366 of the Constitution, after clause (30), the following clause shall be inserted, namely:—

Amendment of
article 366.

“(31) “youth” means a citizen of India between the age of thirteen to thirty-five years.”.

STATEMENT OF OBJECTS AND REASONS

According to the latest report by Ministry of Youth Affairs and Sports, India has a youth population in this age group of about 37.14 crore (projected figures for 2021) which is about 27.3 per cent. of the total population. It has one of the youngest populations in the world. The share of working age population in India is larger than the non-working age population, thus provide a window of opportunity to lead the world. If this opportunity of demographic dividend can be utilized efficiently, it can prove to be highly significant for the country to achieve a higher economic growth.

Further in the report titled “Youth in India” the ministry also deals with the challenges faced by the youth in the country. It was stated by the report that there is slight decline in the population of youth in the country. States like Kerala, Tamil Nadu and Himachal Pradesh are projected to see a higher elderly population than the youth by 2036. Keeping these concerns in mind, there is a need to create a demand for better healthcare facilities and development of welfare schemes/programmes for the youth.

In order to create a productive youth workforce, it is essential that the youth of the country have access to the right set of tools and opportunities to make a sustainable contribution. The youth must have equitable access to high quality education and be able to develop the necessary skills that are required by the labour market to ensure that they are gainfully employed. Given that a large proportion of the workforce is self-employed, entrepreneurship must be encouraged amongst the youth and they must be supported through the process of idea generation, incubation and financing.

It is thus extremely necessary to deal with the issues concerning the youth which if left unattended shall lead to complex problem like unemployment. To overcome with these difficulties the Commission need to act swiftly and promptly. Thus, with this Constitutional amendment, a Constitutional status is granted to National Commission for Youth. Granting Constitutional status ensures that the commission has a solid legal foundation and is recognized as a legitimate and authoritative body. This status is often accompanied by specific powers, functions, and responsibilities outlined in the Constitution. Constitutional status can help ensure the independence and autonomy of the Commission. This means that the commission can function without undue interference from the Government or other entities, enabling it to carry out its responsibilities effectively.

The recognition enhances the credibility and trustworthiness of the Commission. It signifies a commitment to the promotion and protection of the rights and interests of the youth, and it can build public confidence in the commission’s actions.

Hence this Bill.

NEW DELHI;
November 13, 2024

ARUN BHARTI

FINANCIAL MEMORANDUM

Clause 2 of the Bill, *inter alia*, provides that the National Commission for Youth shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service of tenure of the offices of the Chairperson, Vice-Chairperson and Members so appointed shall be such as the President may, by rule determine.

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

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

Bill No. 28 of 2025

A Bill further to amend the Information Technology Act, 2000.

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

1. (1) This Act may be called the Information Technology (Amendment) Act, 2025.

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.

21 of 2000.

2. In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act), after clause (o), the following clauses shall be inserted, namely:—

Amendment
of section 2.

“(oa) “digital asset” means an electronic record in which an individual has a right or interest and excludes an underlying asset or liability unless such asset or liability is an electronic record and includes all electronic records of the user, email accounts, social media accounts, cryptocurrencies, photos and videos posted to the internet, websites and online purchasing accounts;

(ob) “digital asset will” means any electronic document containing the details regarding acquisition and distribution of digital asset of any person amongst his appointees and legal heirs; and

(oc) “digital executor” means a person authorised to execute digital asset in a digital asset will of a deceased person;”.

Insertion of
new section
43B.

3. After section 43A of the principal Act, the following section shall be inserted, namely:—

Management
of Digital
Assets of a
deceased
person.

“43B. Every intermediary shall, upon receiving a certified copy of the death certificate and proof of the appointment of a digital executor or legal heir, in case of digital asset of the deceased person, as the case may be—

(a) allow access to the digital assets of the deceased person as per the instructions provided in the digital asset will to the digital executor or legal heir, as the case may be; and

(b) provide options for data transfer, account deletion or closure of the digital asset of the deceased person as requested by the digital executor or legal heirs, as the case may be:

Provided that in case of digital executor, the authority to access, manage, transfer or deletion of the digital asset of the deceased person *prima facie* lies with the digital executor:

Provided further that in absence of the appointment of the digital executor, the legal heirs of the deceased person may access, manage, transfer or delete the digital asset of the deceased person upon obtaining order of a competent court in this behalf:

Provided also that in absence of digital executor or legal heirs the digital asset of the deceased person shall be managed in such manner as may be prescribed.”.

Insertion of
new section
66G.

4. After section 66F of the principal Act, the following section shall be inserted, namely:—

Punishment
for
unauthorized
access to
the digital
assets of a
deceased
person.

“66G. Whoever intentionally gains unauthorized access to the digital assets of a deceased person shall be punished with imprisonment which may extend upto two years or fine which may extend upto rupees fifty thousand or with both.”.

Amendment
of section
87.

5. In section 87 of the principal Act, in sub-section (2), after clause (ob), the following clause shall be inserted, namely:—

“(oc) the manner of the management of the digital asset of the deceased person in absence of digital executor or legal heirs under section 43B;”.

6. In FIRST SCHEDULE to the principal Act, at Sl. No. (4), for the words “including any other testamentary disposition by whatever name called”, the words “including any other testamentary disposition by whatever name called but excluding digital asset will” shall be substituted.

Amendment
of First
Schedule.

STATEMENT OF OBJECTS AND REASONS

In the digital age, individuals accumulate significant digital assets, such as social media profiles, email accounts, cloud storage, and cryptocurrencies, which hold financial, sentimental, and legal value. However, the absence of a legal framework for managing these assets posthumously often leads to disputes, privacy violations, and loss of valuable data.

At present, the Information Technology Act, 2000 is applicable to all digital information, data and assets. However, the Act does not have specific provisions pertaining to access, management and transfer of digital assets of the deceased.

This Bill seeks to address these challenges by amending the Information Technology Act, 2000 to introduce the concept of digital assets, digital wills and digital executors. It provides legal validity to digital wills and defines the responsibilities of digital executors, ensuring the testator's wishes are respected. Additionally, it mandates intermediaries and online service providers to cooperate with digital executors or legal heirs to facilitate the smooth transition, transfer, or deletion of digital assets after death.

The Bill prescribes penalties for unauthorized access or non-compliance by intermediaries and online service providers, ensuring the protection of user data.

This progressive legislation is a vital step towards addressing the complexities of digital asset management, benefiting individuals, families and the digital economy.

Hence this Bill.

NEW DELHI;
January 20, 2025

BHARTI PARDHI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill *vide* proposed amendment to section 87 that empowers the Central Government to make rules regarding the manner of the management of the digital asset of the deceased person in absence of digital executor or legal heirs. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 46 of 2025*A Bill further to amend the Insurance Act, 1938.*

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

1.(1) This Act may be called the Insurance (Amendment) Act, 2025. 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.

4 of 1938.

2. In section 2 of the Insurance Act, 1938 (hereinafter referred to as the principal Act),— Amendment of section 2.

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

“(6D) “health insurance premium” means the amount payable by a policyholder to maintain active health insurance coverage;”; and

(b) after sub-section (16C), the following sub-section shall be inserted, namely:—

“(16D) “senior citizen” means a male aged sixty years and above and a female aged fifty-eight years and above.”.

Insertion of
new
PART IVB.

3. After PART IVA of the principal Act, the following PART and sections thereunder shall be inserted, namely:—

“PART IVB

REGULATION OF HEALTH INSURANCE FOR SENIOR CITIZENS

Regulation
of Health
Insurance
for Senior
Citizens.

101D. (1) Every insurer shall offer age-sensitive health insurance plans to the senior citizens with graded premiums, taking into account the financial vulnerabilities .

(2) The health insurance plans for senior citizens under sub-section (1) shall include coverage for common geriatric conditions and pre-existing diseases after a waiting period not exceeding one year.

(3) No insurer shall increase health insurance premiums for senior citizens by more than five per cent. every year without prior approval from the Authority.

(4) Every senior citizen shall have the right to port his health insurance policy between insurers without loss of benefits or additional waiting periods.

Monitoring
and
Compliance
by the
Authority.

101E. (1) The Authority shall monitor compliance with the provisions of section 101D and may issue guidelines in this behalf.

(2) If any insurer violates the provisions of section 101D, such insurer shall be liable to penalties as prescribed by the Authority.

Insurer
involved
health
insurance
business to
submit
Annual
report.

101F. Every insurer involved in health insurance business shall submit annual reports to Authority detailing premium structures, claims processed and measures taken to ensure fairness for senior citizens in such manner as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

The Insurance Act, 1938 was enacted to consolidate and amend the law relating to the business of insurance. The Act deals with the life insurance business, general insurance business and the health insurance business, etc. However, the Act does not address the concerns of the health insurance of the senior citizens. The need is to address the financial burden posed by rising health insurance premiums for senior citizens.

The present Bill aims to regulate annual premium increases to ensure affordability and accessibility for individuals on fixed incomes. It mandates insurers to design financially inclusive plans, ensuring comprehensive coverage for common geriatric conditions and pre-existing diseases with minimal waiting periods. Additionally, it introduces the right to seamless portability of health insurance policies, allowing senior citizens to switch insurers without losing accrued benefits.

The present Bill seeks to establish a robust monitoring framework through Insurance Regulatory and Development Authority of India (IRDAI) to enforce compliance and issue necessary guidelines to promote equity in healthcare access. By creating public awareness campaigns senior citizens may be educated about their rights, while dedicated grievance redressal mechanisms will address insurance-related concerns promptly. By encouraging innovation in health insurance policies tailored to senior citizens and bridging urban-rural healthcare disparities, this amendment aims to uphold the dignity and well-being of senior citizens, ensuring healthcare an accessible necessity rather than a financial burden.

The Bill, therefore, seeks to amend the Insurance Act, 1938 with a view to include and regulate the health insurance of the senior citizens in the country.

Hence this Bill.

NEW DELHI;
January 20, 2025

BHARTI PARDHI

Bill No. 59 of 2025

A Bill to establish an Ethics and Accountability Framework for the use of Artificial Intelligence (AI) technologies in decision-making, surveillance, and algorithmic systems to prevent misuse and ensure fairness, transparency, and accountability and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Artificial Intelligence (Ethics and Accountability) Act, 2025.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

(a) “Artificial Intelligence (AI)” means computer systems or applications capable of performing tasks that typically require human intelligence, including but not limited to decision-making, language processing and visual perception;

(b) “algorithmic bias” refers to the presence of systematic errors in AI systems that result in unfair outcomes;

(c) “Committee” refers to the Ethics Committee for AI Technologies constituted under section 3;

(d) “developer” means a person who design, develop, and implement AI models and systems;

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

(f) “stakeholders” include developers, deployers, users of AI technologies, and affected individuals or communities.

Constitution
of Ethics
Committee
for AI
Technologies.

3. (1) The Central Government shall, by notification in the Gazette, constitute a Committee to be known as the Ethics Committee for Artificial Intelligence (AI) to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Committee shall consist of:—

(a) Chairperson having expertise in ethics and technology;

(b) such number of representatives from academia, industry, civil society and government; and

(c) such number of experts in law, data science and human rights, to be appointed by the Central Government in such manner as may be prescribed.

(3) The Central Government shall provide the Committee with such officers and other employees as may be required for the proper functioning of the Committee.

(4) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, representatives, experts, officers and other employees appointed for the purpose of the Committee shall be such as may be prescribed.

Functions
of the
Committee.

4. The Committee shall,—

(a) develop and recommend ethical guidelines for AI technologies;

(b) monitor compliance with ethical standards in AI systems;

(c) review cases of misuse, bias or violations of the provisions of this Act;

(d) promote awareness and capacity-building among stakeholders;

(e) undertake such other functions as the Central Government may, from time to time, prescribe.

Restrictions on
Surveillance
and Decision-
Making.

5. (1) The use of Artificial Intelligence (AI) in surveillance shall be limited to lawful purposes with prior approval of the Committee constituted under section 3.

(2) AI systems involved in critical decision-making including law enforcement, financial credit and employment shall,—

(a) not discriminate only on the basis of race, religion, gender, or any of them;

(b) be subjected to stringent ethical reviews by the Committee.

6. Every developer shall,—

Responsibility
of Developers.

(a) ensure transparency in AI Systems by disclosing,—

(i) the intended purpose and limitations of the AI System;

(ii) data sources and methodologies used for training algorithms;

(iii) the reasons for any decisions made by AI systems that impact individuals;

(b) ensure prevention of Algorithmic Bias by,—

(i) conducting regular audits to identify and mitigate biases in AI systems;

(ii) ensuring diversity and inclusivity in training datasets;

(iii) ensuring that AI systems exhibiting significant bias are withdrawn until corrective measures are implemented; and

(c) maintain records of compliance with ethical standards under this Act.

7. (1) Any affected individual or group may file complaints with the Committee regarding misuse or harm caused by AI technologies under this Act in such manner as may be prescribed.

Grievance
Redressal
Mechanism.

(2) The Committee shall investigate complaints and recommend necessary actions, including penalties or remedial measures in such manner as may be prescribed.

8. Whoever violates the provisions of this Act shall be liable to,—

Penalties
for Non-
Compliance.

(a) fine which may extend upto rupees five crore depending on the severity of the violation; and

(b) suspension or revocation of licenses for deploying AI systems:

Provided that in case of repeat violations, the offender may face criminal liability as prescribed.

9. **The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide to the Committee by way of grant, such sums of money as the Central Government may think fit for being utilised for the purpose of this Act.**

Central
Government
to provide
funds.

10. (1) The Committee shall, as soon as may be, after the end of each financial year, submit to the Central Government an annual report giving a full account of the activities, findings, and recommendations undertaken during the previous financial year, in such form and on such date, as may be prescribed.

Annual
Report.

(2) A copy of the report received under sub-section (1) shall be laid before the Parliament within six months after it is received by the Central Government.

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

Application of
other laws not
barred.

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

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive

sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The rapid proliferation of Artificial Intelligence (AI) technologies presents immense opportunities for societal advancement but also poses significant ethical and regulatory challenges. These include risks of algorithmic bias, misuse of surveillance capabilities, lack of transparency and accountability in decision-making systems.

The proposed Bill aims to address these challenges by:

- (a) establishing a comprehensive framework for ethical AI deployment;
- (b) ensuring transparency, fairness, and accountability in AI systems;
- (c) protecting individuals and communities from harm caused by unethical or biased AI applications; and
- (d) promoting innovation and trust in AI technologies through clear regulatory guidelines.

The Bill emphasizes the importance of a balanced approach to foster AI's positive impacts while safeguarding against its potential misuse. By empowering an independent Ethics Committee and prescribing robust penalties for violations, this legislation seeks to ensure AI technologies serve the greater good and uphold democratic values.

The Bill seeks to achieve the above objectives.

NEW DELHI;
January 20, 2025.

BHARTI PARDHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of an Ethics Committee for Artificial Intelligence (AI) to exercise the powers conferred on, and to perform the functions assigned to it under this Act. It also provides for appointment of Chairperson, representatives, experts, officers and staff to the Committee. Clause 9 provides for the payment of grants by the Central Government to the Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Five hundred crores per annum will be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 43 of 2025

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

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

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2025.

Short title.

Definitions.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part XVIII.- Uttar Pradesh,—

(i) for entry 18, the following entry shall be substituted, namely,—

“18. Beldar, Bind”;

(ii) for entry 36, the following entry shall be substituted, namely,—

“36. Gond, Goud, Godiya, Kahar, Kashyap, Batham”;

(iii) for entry 53, the following entry shall be substituted, namely,—

“53. Majhwar, Kewat, Mallah, Nishad”;

(iv) for entry 59, the following entry shall be substituted, namely,—

“59. Pasi, Tarmali, Bhar, Rajbhar, Biyar”;

(v) for entry 65, the following entry shall be substituted, namely,—

“65. Shilpkar, Kumhar, Prajapati”; and

(vi) for entry 66, the following entry shall be substituted, namely,—

“66. Turaiha, Dheemar, Dheedar, Turaha, Turha, Turaiya”.

STATEMENT OF OBJECTS AND REASONS

Uttar Pradesh is a State having the largest population in the country. There are certain castes in the State which are equally backward in all spheres as the Scheduled Castes. A large number of people belonging to castes like Bind, Bhar, Rajbhar, Gaud, Kashyap, Kabar, Godiya, Batham, Bheedar, Dheemar, Mallah, Kewat, Nishad, Kumhar, Prajapati and Turha reside in the State. Accordingly to the survey/study reports of the Institute of Research and Training for Scheduled Castes and Scheduled Tribes, Uttar Pradesh. It has come to light that untouchability as a traditional practice is still prevalent in the above-mentioned sub-castes. In view of inter-caste marriages, life style, profession, customs and the traditions, the above mentioned sub-castes are similar to Beldar, Goud, Manjhar, Pasi, Tarmali, Shilpkar, Turaiha and are synonyms of the recognized castes.

Hon'ble Supreme Court in the case *Bhaiya Ram Munda v/s Anirudh Patar*, AIR, 1971, has ordered for inclusion of various castes of Muhua community which have been left out earlier in the list of Scheduled Castes. However, they have not been included in the list of Scheduled Castes in the State of Uttar Pradesh till date despite their pitiable, social, economic and educational conditions. The people belonging to these sub-castes, are availing the benefits of reservation in many States other than Uttar Pradesh. Therefore, the people belonging to the aforesaid sub-castes should be extended the Benefits of reservation in Uttar Pradesh also. The Government of the State of Uttar Pradesh has made requests to this effect in the year 2004, 2006, 2007 and finally on 15th February, 2013 for inclusion of these castes in the list of Scheduled Castes. In spite of the fact that these are synonymous castes and fulfill all requisite criteria for being included in the list of the Scheduled Castes, the Union Government has not taken any action in this regard till date.

Hence, these castes need to be included in the list of Scheduled Castes in respect of the State of Uttar Pradesh to secure justice to persons belonging to these castes.

The Bill seeks to achieve the above objectives.

NEW DELHI;
January 21, 2025

RAMASHANKAR RAJBHAR

FINANCIAL MEMORANDUM

The Bill seeks to include certain castes in the list of the Scheduled Castes in respect of the State of Uttar Pradesh because of their social, educational and economic backwardness. The Bill, therefore, if enacted, would involve recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to these communities under continuing schemes meant for development of the Scheduled Castes from the Consolidated Fund of India. At this Stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees one thousand crore would be involved as a recurring expenditure per annum.

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

Bill No. 42 of 2025*A Bill further to amend the Citizenship Act, 1955.*

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

1. (1) This Act may be called the Citizenship (Amendment) Act, 2025.

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 Citizenship Act, 1955 (hereinafter referred to as the principal Act) in section 2, in sub-section (1), in clause (b), after sub-clause (ii), the following second *proviso* shall be inserted, namely:—

Amendment of
section 2.

57 of 1955.

“Provided further that any person belonging to the Tamil community from Sri Lanka, who entered into India after 1st day of July, 1983 and before

21st day of March, 2022 shall not be treated as illegal migrant for the purposes of this Act.”

Amendment
of the
Third
Schedule.

3. In the Third Schedule to the principal Act, in clause (d), in the *proviso*, for the words “Bangladesh or Pakistan”, the words “Bangladesh or Pakistan and any person belonging to the Tamil community in Sri Lanka” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act, 1955 (57 of 1955) was enacted to provide for the acquisition and determination of Indian citizenship. It is a historical fact that trans-border migration of Tamil population has been taking place continuously to the territories of India from the areas comprised in Sri Lanka since the wake of the Sri Lankan Civil War. Tens of thousands of Sri Lankan Tamils have fled to India to seek shelter and continued to stay in India even if their travel documents have expired or they have incomplete or no documents. According to the records of the Ministry of Home Affairs, there are over 92,000 Sri Lankan Tamil refugees residing in Tamil Nadu as of 2021.

Under the existing provisions of the Citizenship Act, migrants belonging to the Tamil community from Sri Lanka who entered into India without valid travel documents or if the validity of their documents has expired are regarded as illegal migrants and ineligible to apply for Indian citizenship under section 5 or section 6 of the Act.

The Bill seeks to grant immunity to the migrant of the aforesaid Sri Lankan Tamil community so that any proceedings against them regarding in respect of their status of migration or citizenship does not bar them from applying for Indian citizenship. The competent authority, to be prescribed under the Act, shall not consider any proceedings initiated against such persons regarding their status as illegal migrant or their citizenship matter while considering their application under section 5 or section 6 of the Act, if they fulfil all the conditions for grant of citizenship.

Many persons of Indian origin including persons belonging to the said minority community from the Sri Lanka have been applying for citizenship under section 5 of the Citizenship Act, 1955 but they are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation under section 6 of the said Act, which, *inter alia*, prescribe twelve years residency as a qualification for naturalisation in terms of the Third Schedule to the Act. This denies them many opportunities and advantages that may accrue only to the citizens of India, even though they are likely to stay in India permanently. Therefore, it is proposed to amend the Third Schedule to the Act to make applicants belonging to the Tamil community from Sri Lanka eligible for citizenship by naturalisation if they can establish their residency in India for five years instead of the existing eleven years.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
January 28, 2025

KALANIDHI VEERASWAMY

Bill No. 144 of 2025

A Bill further to amend the Constitution of India.

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

1. This Act may be called The Constitution (Amendment) Act, 2025.

Short title.

2. In the Eighth Schedule to the Constitution, the existing entries from 4 to 22 shall be re-numbered as entries from 5 to 23 respectively and before entry 5 so re-numbered, the following entry shall be inserted, namely:—

Amendment of
the Eighth
Schedule.

“4. Bhili.”.

STATEMENT OF OBJECTS AND REASONS

Bhili language is not only a medium of communication, but is also an integral part of the culture of the Bhil community. Bhili language, spoken in the tribal-dominated areas of States of Rajasthan, Gujarat, Madhya Pradesh and Maharashtra. It is an ancient language which is also used as a mother tongue by millions of people of all communities residing with the tribals in the tribal areas of these States.

The Bhili language encapsulates the traditions, folklore and songs of the communities living in the tribal dominated areas of the above mentioned four States, but at present, due to the increasing influence of modern education, urbanization and other languages, this language is on the verge of extinction. If the Bhili language is not given constitutional recognition in time, it will disappear and the coming generations will be deprived of its glorious linguistic-cultural identity.

Even today, in tribal dominated areas of Rajasthan, Gujarat, Madhya Pradesh and Maharashtra, Bhili language is used as mother tongue. Further, due to lack of constitutional recognition of this language, the children of these areas face problem in studying in other languages in the government schools, consequently, as compared to other districts of the aforesaid States, literacy rate of the Bhil tribal of this areas is very low. By giving constitutional recognition to this language, not only the Bhili language and culture be preserved, but the literacy rate will also increase.

Hence this Bill.

NEW DELHI;
February 6, 2025.

RAJKUMAR ROAT

Bill No. 39 of 2025*A Bill further to amend the Consumer Protection Act, 2019*

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

1.(1) This Act may be called the Consumer Protection (Amendment) Act, 2025.

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.

35 of 2019

2. In section 2 of the Consumer Protection Act, 2019 (hereinafter referred to as the principal Act), in sub-section (47) after clause (ix), the following clauses shall be inserted, namely:—

Amendment
of section 2.

“(x) failure to disclose essential terms, conditions or fees associated with the transaction, including but not limited to dynamic pricing mechanisms including surge pricing or personalised pricing;

(xi) adoption of methods, including the use of algorithms or other automated systems, designed to manipulate consumer behaviour resulting in a restriction of consumer choice; and

(xii) creating complicated barriers for consumers who wish to cancel subscriptions, return goods or opt out of services.”.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act, 2019 marked a significant milestone in safeguarding consumer rights in India. However, the rapid evolution of digital technologies and e-commerce has introduced new challenges that necessitate further amendments to the Act. These amendments aim to address emerging unfair trade practices in the digital age and strengthen consumer protection in an increasingly complex marketplace.

The digital economy has transformed consumer behaviour and business practices, with online platforms and digital services becoming integral to daily life. While this transformation has brought convenience and expanded choices, it has also given rise to new forms of unfair trade practices that exploit consumer vulnerabilities. A study by the Internet and Mobile Association of India (IAMAI) reported that India had 692 million active internet users as of 2020, with this number expected to reach 900 million in 2025. This digital surge underscores the urgency of updating our consumer protection framework.

The proposed amendments to section 2 of the Consumer Protection Act, 2019 aim to address three critical areas of concern in the digital marketplace. First, the amendment tackles the issue of non-disclosure of essential terms, conditions, and fees, including dynamic pricing mechanisms. This is particularly relevant in the context of e-commerce platforms where personalised pricing has become prevalent. Second, the amendment addresses the manipulation of consumer behaviour through algorithms and automated systems that result in a restriction of consumer choice. With the increasing use of artificial intelligence and machine learning in marketing and sales, there is a growing concern about the potential for these technologies to unduly influence consumer decisions and limit their options. This amendment aims to protect consumers from practices that may unfairly restrict their choices or manipulate their behaviour in the digital marketplace.

Lastly, the amendment seeks to prevent businesses from creating unreasonable barriers for consumers wishing to cancel subscriptions, return goods, or opt out of services. This is particularly relevant in the context of digital subscriptions and online purchases. According to recent data from the consumer affairs department, around four lakh complaints have been lodged against e-commerce companies with the National Consumer Helpline (NCH) in the past 11 months. More than half of these complaints are related to deficiency in service, delivery of wrong, defective or damaged products, paid amounts not being refunded, and delays in delivery. This highlights the urgent need for stronger consumer protection measures in the e-commerce sector.

These amendments to the Consumer Protection Act, 2019 represent a proactive step towards ensuring fair trade practices in the digital age. By expanding the definition of unfair trade practices to include these new provisions, we aim to create a more transparent, ethical, and consumer-friendly digital marketplace. This will not only protect consumer rights but also foster trust in digital commerce, ultimately contributing to the growth and sustainability of India's digital economy.

Hence this Bill.

NEW DELHI;
February 10, 2025

MADDILA GURUMOORTHY

Bill No. 33 of 2025

*A Bill further to amend the Maintenance and Welfare
of Parents and Senior Citizens
Act, 2007.*

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

1. (1) This Act may be called the Maintenance and Welfare of Parents and
Senior Citizens (Amendment) Act, 2025.

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

Short title and
commencement.

Amendment of
section 2.

2. In section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

56 of 2007.

“(aa) “life of dignity” means standard of living that ensures respect, autonomy, self-worth, access to adequate food, clothing, shelter, healthcare and social inclusion including freedom to live free from exploitation, neglect and abuse, while enjoying the physical, emotional and social well-being.”.

Amendment of
section 4.

3. In section 4 of the principal Act, for the words “normal life”, wherever they occur, the words “life of dignity” shall be substituted.

Amendment of
Section 9.

4. In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Tribunal shall determine the maintenance allowance on a case-to-case basis, taking into account the following factors, namely,—

(i) the standard of living and earnings of the parent or senior citizen;

(ii) the earnings of the children; and

(iii) any other relevant factor affecting the ability of the child or relative to pay and the needs of the parent or senior citizen.”.

Amendment of
section 24.

5. In section 24 of the principal Act, for the words, “imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both”, the words, “imprisonment of either description for a term which may extend to six months or fine which may extend to one lakh rupee or with both” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was pertinent legislation aimed at ensuring the well-being of elderly citizens in India. While the Act has provided a legal framework for the care and support of senior citizens, there is a pressing need to enhance its provisions to better address the evolving challenges faced by our ageing population. This need is particularly significant given India's rich tradition of respecting and caring for elder, which forms an integral part of our culture fabric.

India's elderly population is rapidly growing, with projections indicating that by 2050, 20 per cent of the country's population will be over 60 years old. This demographic shift necessitates a more comprehensive approach to ensuring the dignity and welfare of senior citizens. The current Act, while well-mentioned, has certain limitations that need to be addressed to better serve the needs of our elderly population.

The proposed amendments to the Act seek to address two critical aspects of senior citizen welfare. Firstly, by replacing the term "normal life" with "life of dignity" in Section 4, the amendments aims to elevate the standard of care and support that children and relatives are obligated to provide. This change recognizes that senior citizens deserve not just basic necessities, but a quality of life that preserves their dignity and self-respect.

Secondly, the amendments to Section 9 introduces a more nuanced approach to determining maintenance allowances. The current Act prescribes a maximum monthly maintenance allowance of ten thousand rupees, which may not be sufficient or appropriate in all cases. The proposed amendment allows for a case-by-case determination of maintenance allowances, taking into account factors such as the standard of living of the senior citizen, the earnings of both the senior citizen and their children and other relevant circumstances. This flexible approach ensures that the financial support provided is both fair and adequate to meet the specific needs of each senior citizen.

These amendments are crucial in light of the changing socio-economic landscape of India. With increasing urbanization, nuclear families and economic pressures, many senior citizens find themselves vulnerable and in need of support. By strengthening the legal framework for their care and maintenance, we aim to create a society where the elderly are valued, respected and provided for in a manner befitting their contributions to our nation.

The proposed amendments to the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 represent a significant step towards ensuring a life of dignity for our senior citizens. By introducing more comprehensive and flexible provisions for their care and maintenance, we are not only adapting to the changing times but also reaffirming our commitment to the age-old Indian tradition of revering and caring for our elders. These changes aim to bridge the gap between our cultural ideals and the realities of modern life, ensuring that our senior citizens receive the respect, care and support they rightfully deserve in their golden years.

Hence this Bill.

NEW DELHI;
January 28, 2025

MADDILA GURUMOORTHY

Bill No. 29 of 2025

A Bill further to amend the Electricity Act, 2003.

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

1. (1) This Act may be called the Electricity (Amendment) Act, 2025.	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 section 126 of the Electricity Act, 2003, the following section shall be inserted, namely:-

Insertion of new section 126A.

“ 126A. Notwithstanding anything contained in any judgment, decree or order of any Court or any law for the time being in force, any consumer supplied with electricity for his domestic or agricultural use, as the case may be, who is aggrieved by the assessment made by the assessing officer in cases relating to Vigilance Checking Report (VCR) or audit under section 126, may file a complaint before the concerned consumer forums under the provisions of the Consumer Protection Act, 2019 in such manner as may be prescribed.”.

Rights of consumer to file complaints before Consumer Forums in cases relating to Vigilance Checking Report and audit report by the assessing Officer.

STATEMENT OF OBJECTS AND REASONS

Section 126 of the Electricity Act, 2003 empowers the officials of the Power Companies to inspect the premises of the consumer and make provisional assessment of electricity charges against the consumer if unauthorized use of electricity is noticed. After determining the amount against the consumer by the officer or engineer of the power companies, the final assessment order of electricity charge is made after giving notice to the consumer regarding depositing the amount.

Against the said final assessment order passed under section 126, there are provisions to appeal before the appellate authority under section 127 and the order passed by the appellate authority is final and no appeal lie against it.

In practice, many complaints are being received about the misuse of the above authority given to the officers of the power companies. In order to increase the revenue income of the Power Companies, officers, employees and engineers wrongly and illegitimately inspect and pass assessment orders arbitrarily and they misuse their powers to increase the income of the companies and to harass the consumers. There is also complaint from the consumers that the engineers and employees of the companies demand illegitimate amount from them. On not paying the said amount, they also make false inquiry report and fix the outstanding amount in lakhs of rupees and pressurize lodging the police case or to disconnect the power connection.

Under section 126, where the power to inspect and determine the amount has been given to the junior officers, junior engineers and assistant engineers, etc. of the power companies, the appeal against their order lies with the the appellate authority under section 127 which are also heard by the senior officers of the same power companies. Both the officers are employees of the same power companies and they get their salary from the power companies and of course their intention and motive is inclined more towards the interests and benefits of the power companies than the consumers. It is natural for the said appellate authority to protect and justify the proceedings of the officers subordinate to it. In such a situation, the consumer aggrieved by the subordinate officers cannot justice from the higher appellate authorities. Justice, therefore, cannot be expected from such higher officials.

Provisions of section 126 and 127 of the Electricity Act, 2003 are also completely contrary to the principles of natural justice. Adjudication of the proceedings of the subordinate officers of the electricity company by other officers of the same company is completely contrary to the well established legal principle that no person can be the judge of his own case.

It is necessary, according to law, to test the validity and correctness of the powers of the administrative officers under judicial proceedings, but according to the above provisions of the Electricity Act, 2003, the doors of the courts have been closed in relation to the scrutiny or examination of the said powers conferred on the administrative officers which is very unfortunate situation for the democratic system.

Under section 145 of the Electricity Act, the jurisdiction of the Civil Court has been barred in relation to the action taken by the Assessing Officer under section 126 and the Appellate Authority under section 127.

Although Consumer Protection Act, 2003 is applicable in respect of other disputes between consumers and Power Companies under the Electricity Act, however according to the judgment of Hon'ble Supreme Court in UP Power Corporation Vs. Anis Ahmed dated 01.07.2013, consumer's right to take action under the Consumer Protection Act against assessment orders under section 126 and 127 has been exhausted. In such a situation, the aggrieved, helpless consumer has no way to get justice from the power companies, which tantamount to violation of the fundamental rights provided under the constitution.

Therefore, this is necessary to bring amendment in Electricity Act, 2003 so that any consumer who is dissatisfied with the proceedings under section 126 can approach the Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019 .

Hence this Bill.

New Delhi;

HANUMAN BENIWAL

February 19, 2025.

Bill No. 66 of 2025

A Bill to provide for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in private sector services, appointments and for matters connected therewith.

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

1. (1) This Act may be called the Reservation for the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in Private Sector Services and Appointments Act, 2025.

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.

Definitions.

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

(a) “private sector” means an organisation, institution, educational institution or establishment wholly owned by any private individual or corporation or limited company; and

(b) “prescribed” means prescribed by rules made under this Act.

Government
to give
incentive to
Private Sector
to provide
reservation.

3. (1) The Central Government shall provide appropriate incentives to private sector for making provisions for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes.

(2) The incentives as provided in sub-section (1) shall include—

(i) special concessions under various existing central schemes; and

(ii) loans from nationalized banks at reduced rate of interest.

Annual
Report.

4. The Central Government shall cause to be laid an annual report before both Houses of Parliament on the action taken under this Act.

Power to make
Rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Reservation is available to persons belonging to other backward classes, scheduled castes and scheduled tribes in appointments and posts in Government banks, financial institutions, insurance companies and public sector undertakings under the control of the Government of India. But after privatization of public sector undertakings and liberalization of economic policies by the present Central Government, persons belonging to other backward classes, scheduled castes and scheduled tribes have been deprived of the benefit of reservation in all the subsidiary/joint ventures of Government banks, subsidiary/joint ventures of financial institutions, subsidiary/joint ventures of insurance companies and subsidiary/joint ventures of public sector undertakings in which the Government has less than 51 per cent stake.

In the present era, due to disinvestment and privatization of public sector units, private sector has become very important and employment oriented. In such a scenario, the private sector is active in infrastructure and economic projects. Due to lack of reservation, people from other backward classes, scheduled castes and scheduled tribes are facing great challenges in getting jobs in private sector.

Reservation for OBCs, SCs and STs is followed *mutatis mutandis* by Public Sector Undertakings (PSUs), Financial Institutions under the Central Government including Public Sector Banks as per the instructions issued by the Government of India under Articles 16(4) and 16(4A) of the Constitution. Implementation of reservation provisions for persons belonging to OBCs, SCs and STs is a pre-condition for receiving grants-in-aid for voluntary organisations, autonomous bodies/institutions etc. Where the body receiving grants-in-aid employs more than 20 persons on regular basis and at least 50 per cent of its recurring expenditure is met from grants-in-aid of Central Government and the body is a registered cooperative society and receives annual general purpose grants-in-aid of two lakh rupees and above from the Consolidated Fund of India.

There are many schemes and special provisions for the welfare of the people of Other Backward Classes, Scheduled Castes and Scheduled Tribes in the country. However, despite all these measures, no major change has been seen in their social, educational and economic development. In this situation, reservation in the private sector is very important to ensure the promotion of their all-round and holistic development.

At present, there is no provision of reservation for persons belonging to OBCs, SCs and STs in the private sector. However, the Government cannot force the private sector to provide reservation to them. In such a situation, by providing concessions and special schemes in all the subsidiaries/joint ventures of public sector banks, subsidiaries/joint ventures of financial institutions, subsidiaries/joint ventures of insurance companies and subsidiaries/joint ventures of public sector undertakings in which the Government has less than 51 per cent stake, reservation for persons belonging to OBCs, SCs and STs can be encouraged and social justice and harmony can be realised.

Hence, this Bill.

NEW DELHI;
March 3, 2025

DHARMENDRA YADAV

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

Bill No. 68 of 2025

A Bill to provide for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in admissions in private educational institutions (aided and un-aided) and for matters connected therewith.

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

1. (1) This Act may be called the Reservation for the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in Admission in Private Educational Institutions (aided and un-aided) Act, 2025

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.

Definitions.

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

(a) “prescribed” means prescribed by rules made under this Act and published in Gazette; and

(b) “private educational institution” means any school, college, institution or university imparting primary, elementary, secondary, higher secondary or higher education including medical and technical education as recognized by the appropriate Government, whether aided or unaided, whether owned partly or wholly by a private person or trust, society, or company but does not include a minority educational institutions.

Government to give incentive to Private Sector to provide reservation.

3. (1) The Central Government shall provide appropriate incentives to private educational institutions for making provisions for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in admission in such private educational institutions.

(2) The incentives as provided in sub-section (1) may include—

(i) special concessions under various existing Central schemes;

(ii) allotment of land on lease for educational institutions at lower prices; and

(iii) loans from nationalized banks at reduced rate of interest.

Annual Report.

4. The Central Government shall cause to be laid an annual report before both the Houses of Parliament about the action taken under this Act.

Savings.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Presently, reservation is given to Other Backward Classes, Scheduled Castes and Scheduled Tribes students in admission in Government owned educational institutions, except in the minority institutions of the Central Government, but there is no provision of reservation in favour of Other Backward Classes, the Scheduled Castes and the Scheduled Tribes students for admissions in private educational institutions.

The Constitution (One Hundred and Third Amendment) Act, 2019 allows reservation upto 10 percent for economically weaker sections of society for admission to government and private educational institutions (aided and unaided), excluding minority institutions. The Constitution (One Hundred and Third Amendment) Act, 2019 inserted new Articles 15(6) and 16(6) in the Constitution of India. These articles enable States to provide reservation upto 10 percent for economically weaker sections in Government jobs and Government educational institutions. Based on this, the government implemented the scheme of 10 percent reservation for EWS in January 2019. Several writ petitions were filed in the Supreme Court challenging the validity of the 103rd Amendment Act of the Constitution, 2019. The Constitution Bench by a majority judgment dated 07.11.2022 upheld the validity of The Constitution (One Hundred and Third Amendment) Act, 2019 and dismissed all the writs.

There are many schemes and special provisions for the welfare of the persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in the country. However, despite all these measures, no major change is visible in their educational status. In this situation, in order to ensure their overall and holistic development, reservation in admission of Other Backward Classes, the Scheduled Castes and the Scheduled Tribes students in private educational institutions of the country (Aided or Un-aided) is of utmost importance.

At present, there is no provision for reservation in admission of students belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in private educational institutions (aided or unaided) in the country. However, the government cannot impress upon the private educational institutions to provide reservation for them. In such a situation, these institutions can be encouraged to provide reservation in admission to students belonging to Other Backward Classes, the Scheduled Castes and the Scheduled Tribes by providing concessions and special schemes to private educational institutions.

Hence this Bill.

NEW DELHI;
March 3, 2025

DHARMENDRA YADAV

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 149 of 2025

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. After article 371-I of the Constitution, the following article shall be inserted, namely:—
“371-IA. (1) Notwithstanding anything in the Constitution, the President may, by order made with respect to the State of Goa, provide for special responsibility of the Governor to establish a separate Sustainable Developmental Council to be known as the Goa Sustainable Developmental

Short title and
commencement.

Insertion of
new article
371IA.

Special
provisions for
Sustainable
Development
for the State of
Goa.

Council (hereinafter referred to as the Council) to exercise the powers conferred on and to perform the functions assigned to it for the purpose of preserving Goa's unique cultural identity, shaped by its historical trajectory, liberation from colonial rule, vibrant heritage, historical sites, traditional Goan communities, protection for the rights of person of Goan origin, including the Scheduled Tribes, the Scheduled Castes, Other Backward Classes, fishermen, farmers, artisans, toddy tappers, traditional knowledge holders and fragile environment from adverse impacts of unsustainable development and demographic changes.

(2) The Council established under clause (1) shall be a body corporate having perpetual succession and a common seal, with the powers to acquire, hold and dispose of both movable and immovable property, to enter into and execute contracts, to sue or be sued, as well as any other power in connection with or ancillary to the above and further to the objectives of the Council, including those specifically mentioned in this article.

(3) The office of the Council shall be at such place within the Curtorim region in South Goa District of the State of Goa, as the Council may think fit:

Provided that the Council may establish such number of offices at such places, as it deems necessary to discharge its functions and fulfil its objectives.

(4) The Council shall consist of—

(a) the Chief Minister of the State of Goa as the *ex-officio* Chairperson;

(b) not more than six representatives from relevant Central Ministries nominated by the President, as the *ex-officio* Vice-Chairpersons;

(c) not more than three representatives from the State Government of Goa of the concerned ministries nominated by the Governor of the State of Goa in consultation with the State Government of Goa;

(d) a Chief Executive Officer who shall be an eminent person with expertise in Goan history, culture and environmental conservation, to be nominated by the President on the recommendation of the Governor of the State of Goa;

(e) not less than ten experts belonging to persons of Goan origin having special knowledge of or professional experience in one or more subjects of environmental science, cultural heritage, socio-economics, jurists, traditional Goan communities and any other subject as may be deemed useful for the Council to perform its functions and fulfil its objectives under this article:

Provided that not less than three members of the non-official members shall be from amongst the persons belonging to the Scheduled Castes or the Scheduled Tribes or the other Backward Classes or Minorities or Women;

(f) Members of Parliament from the State of Goa as *ex-officio* members;

(g) the Hon'ble Leader of Opposition of the Legislature of Goa, as the *ex-officio* member; and

(h) the Chief Secretary of the State of Goa as the Member-Secretary;

(5) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

(6) Every member of the Council shall be a whole-time member, and every

non-ex officio member shall hold office for a term of five years from the date on which he enters office, or up to the age of sixty-five years, whichever is earlier.

(7) The President shall, before appointing any person as a Vice-Chairperson or a member of the Council, except for the *ex-officio* members under sub-clauses (e) and (f) under clause (4) of section (2), reasonably verify that such person has no financial or other interest in the Council as is likely to affect prejudicially his functions as a Chairperson or member, as the case may be.

(8) The Council shall,—

(a) conduct quarterly public hearings for residents of ecologically sensitive regions of Goa to gather input on the preservation of land, water resources, cultural heritage, traditional communities, and socio-cultural stability;

(b) ensure provisions and opportunities for Goan communities comprising of person of Goan origin, including Scheduled Tribes, Scheduled Castes, Other Backward Classes, fishermen, farmers, artisans, toddy tappers, and traditional knowledge holders, to access resources and protect their traditional livelihoods and rights over common resources and provision and protection with respect to education, housing, land and employment;

(c) facilitate infrastructure and support systems for the sustainable management of Goa's water resources including but not limited to its rivers, lakes, wells, ponds, groundwater, aquifers, and territorial waters, its environmental and social impact assessments for developmental projects, and conservation of architectural heritage, including pre-1961 structures, sacred trees, and water bodies;

(d) promote training and capacity-building programmes to preserve and promote traditional Goan arts, music, dance, festivals, and culinary traditions, ensuring their documentation and dissemination;

(e) ensure a clean and sustainable environment, including measures to prevent pollution of water resources and protect ecologically sensitive areas from unsustainable development;

(f) provide protection and special provisions for vulnerable groups, including the Scheduled Tribes, the Scheduled Castes, Other Backward Classes, women, children and persons displaced due to environmental or developmental activities, by recommending schemes to safeguard their livelihoods and land rights;

(g) encourage investment, research, and innovation in sustainable development practices, cultural heritage conservation, and traditional knowledge systems to support Goa's unique identity and ecological balance;

(h) facilitate equitable access to governance by ensuring the active involvement of local self-government institutions including but not limited to Gram Sabhas, Municipal Councils, Comunidades, Devasthans, and representatives of the Scheduled Tribes, the Scheduled Castes, and Other Backward Classes, in decision-making processes related to land use, environmental protection, and cultural preservation including all religious structures of historical, heritage and cultural significance having archaeological importance;

(i) provide advisory and technical support to the Legislature of Goa, the

State Government of Goa, and Government of India in drafting laws and policies to regulate land transfers, promote official language, conserve heritage, and address demographic changes in consonance with the seventh schedule of the Constitution;

(j) promote the use and development of Konkani as mentioned in the Eight Schedule, in scripts of Devnagari and Roman, through educational and cultural initiatives, in collaboration with the Government of India, and the Council may also promote the use and development of Marathi, as a language of cultural importance in the State of Goa; and

(k) recommend policies to address rapid demographic changes to preserve Goa's socio-cultural fabric, ensuring alignment with constitutional principles, with provisions and protection for person of Goan origin.

(9) The Council shall prepare and cause to be published—

(a) a Goa Sustainable Development Plan, including measures for land protection, sustainable development, water resource management, cultural preservation, community empowerment, and demographic stability, once every three years, setting out priorities for protecting Goa's cultural identity, heritage, environment, and socio-economic stability, including research, analysis, and proposed measures to achieve these objectives; and

(b) a Goa Annual Sustainability Report, detailing measures undertaken or planned by the Council, including the allocation of financial and human resources.

(10) The Council shall have the power to, call for information, inspect, recommend and monitor in relation to executing its objectives as specified in clause 9, including—

(a) conduct research, data collection, and analysis to assess the impact of laws and policies on Goa's cultural identity, environment, and traditional communities;

(b) monitor the implementation of the Goa Sustainable Development Plan and the Goa Annual Sustainability Report;

(c) formulate, recommend, and monitor plans, programmes, and schemes for protecting land, water resources, cultural heritage and traditional communities, including providing advisory support to the Legislature of Goa;

(d) coordinate with the Government of India, the State Government of Goa, local bodies of Goa to facilitate inter-regional and intra-regional cooperation for sustainable development and cultural preservation;

(e) raise awareness and undertake advocacy to promote sustainable practices, cultural heritage, and community rights;

(f) consult experts in environmental science, cultural heritage, socio-economics, and law to support implementation efforts;

(g) advise the President and Governor on issuing orders for Concurrent List and State List matters, respectively, to achieve the objectives of this article;

(h) recommend measures to address rapid demographic changes, ensuring policies to preserve Goa's socio-cultural fabric;

(i) perform all other acts deemed necessary to execute the objectives of Article 371IA, including facilitating public participation and stakeholder consultation.

(11) For the purpose of this article there shall be constituted a Fund to be called as the Goa Sustainable Developmental Council Fund to which shall be credited all monies realised, realisable or received respectively by or on behalf of the Council whilst carrying out its objectives and powers as conferred upon it by this article and be utilised by the Council for the payment of all sums, charges and costs necessary for carrying out the objectives and functions of the Council under this article.

(12) The Council shall, within one hundred and twenty days from the date of its constitution, prescribe regulations for carrying out the provisions of this article.

(13) The Council shall make bye-laws for the management of the Goa Sustainable Developmental Council Fund and for the procedure to be followed in respect of maintenance of accounts of Fund, auditing of Fund, payment of money into the said Fund, withdrawal of moneys therefrom, the custody of moneys therein and any other matter incidental thereto or connected therewith.

(14) The President shall, in consultation with the Council, by order, made in relation to the State of Goa, provide for—

(a) establishing standards and procedures for environmental and social impact assessments for developmental projects, ensuring alignment with Goa's ecological needs;

(b) issuing directions for the sustainable management of inter-State rivers and territorial waters;

(c) directing the inclusion of Konkani as mentioned in the Eighth Schedule, in Devanagari and Roman scripts, in national educational and cultural schemes, so also Marathi in cultural schemes;

(d) allocating central funds and expertise for the conservation of Goa's architectural heritage, including pre-1961 structures, sacred trees, and water bodies; and

(e) issuing guidelines for demographic stability policies to ensure they align with fundamental rights, informed by the Council's input.

(15) The Governor shall, in consultation with the Council, by order, made in relation to the State of Goa, provide for—

(a) any Act of the Legislature of Goa not to apply to ecologically sensitive regions identified by the Council unless the Governor, on the recommendation of the Council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the select districts or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council:

Provided that any direction given under this sub-clause may be given so as to have retrospective effect;

(b) issuing directions to ensure the effective implementation of schemes protecting traditional livelihoods of Goan communities, including

Scheduled Tribes, Scheduled Castes, Other Backward Classes, fishermen, farmers, artisans, toddy tappers, and traditional knowledge holders;

(c) facilitating the involvement of local self-government institutions including but not limited to Gram Sabhas, Municipal Councils, Comunidades, Devasthans, and representatives of Scheduled Tribes, Scheduled Castes, and Other Backward Classes in decision-making on land use, environmental protection, and cultural preservation, based on the Council's assessments; and

(d) addressing delays or failures in implementing State-related provisions, in consonance to the Seventh Schedule, by issuing directions based on the Council's reports.

(16) The Parliament, shall, by law make such provisions as are necessary to give effect to the purposes of this article.

Explanation. — For the purposes of this article, the expression “Goan origin” shall include,—

(a) all persons who, prior to the 20th day of December, 1961, were governed by the provisions of the Civil Code of 1867 as in force in the erstwhile Portuguese regime over Goa and which continued in force by virtue of sub-section (1) of section 5 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), as adapted by the Military Governor of Goa, Daman and Diu *vide* Order No. 175/2/MG dated 31st May, 1962; or

(b) any person born in Goa of parents who are governed by the provisions of the Civil Code of 1867 which is at present in force in Goa and which was in force prior to the 20th day of December, 1961; or

(c) any person born outside the State of Goa of parents who were or are governed by the provisions of the said Civil Code of 1867, unless such person declares that he does not desire to be governed by the provisions of the Civil Code of 1867 as applicable at any time before the expiry of three years from the date he attains majority or before the expiry of three years from the date he comes from outside the State of Goa, before the Special Notary having office in the sub-district where such person resides; or

(d) any person born in Goa of parents who are governed by the provisions of the corresponding laws in force in the rest of India provided that he chooses permanent residence in the State of Goa and he declares before the expiry of three years from the date he attains majority that he desires to be governed by the provisions of the Civil Code of 1867 as applicable before the Special Notary having office in the sub-district where such person resides; or

(e) any person born in Goa of parents who are foreign citizens provided such person satisfies the requirements of sections 3 and 4 of the Citizenship Act, 1955 (Central Act 57 of 1955); or

(f) any person born in Goa of unknown parents or of unknown nationality; or

(g) any person adopted by parents who are governed by the provisions of the Civil Code of 1867 as in force in Goa or by parents to whom the provisions of the Civil Code of 1867 as applicable apply:

Provided that such a person shall not be deemed to have taken up permanent residence in Goa,—

(i) merely by reason of his residing there on account of his being appointed in the Civil, Military, Naval, Air Force service of the Government of India;

(ii) merely on account of his being appointed by the Government of a foreign country as its representative and residing as such in Goa in pursuance of such appointment, nor shall any other person residing with such representative as part of his family or as a servant.”.

STATEMENT OF OBJECTS AND REASONS

The State of Goa with its unique history, culture, and delicate ecosystem, faces significant challenges in preserving its distinct identity amidst rapid development and increasing demographic pressures. The State's rich Indo-Portuguese heritage, its traditional communities, and its biodiversity are increasingly getting vulnerable. In the recent past, a large number of instances show concerned citizens and environmentalists rushing to Courts seeking relief in cases related to environmental destruction in the name of unsustainable development where the Judiciary has been striking down or has read down several land use and planning decisions that threatened Goa's rich cultural and ecological fabric, underscoring the urgent need for stronger legislative safeguards. Hence the need to bring this Bill is affirmed by quoting the judgement delivered by the Hon'ble High Court of Bombay in Goa:—

“This is an extraordinary State, in more ways than one, a place where, perhaps more than anywhere else, sky, sea and earth meet. From horizon to horizon, it is a land of abundant richness. It is a land of confluences, where diverse strands meet and co-exist; and, in a time of apparently incessant strife and discord, it is still a mostly liberal land. It is a kind and gentle land, of a kind and gentle people. And it is also a land that, given its small size and small population, has had a wholly disproportionate influence on our art, culture, language, music, literature, architecture, history, design and more (even food, for many of what we consider our staples first came from here). Its greatest asset is one: its environment and its ecology — its rivers and riverbanks, its beaches, its lakes and clear streams, its dense forests, its low hills and fertile fields, its boulders and even trees shrouded with moss and vines and lichen in the rains, its ridiculously brilliant sunsets. ... That is up to us, and to the government. For this is something none can deny: this is a land truly worth fighting for.”

This Bill seeks to provide a constitutional framework for the Central Government to collaborate with the State of Goa in addressing these concerns. It aims to:

- (1) preserve Goan identity by promoting its language, arts, and cultural traditions like Tiatr, Fugdi, Dhalo, Dekne, etc., and safeguarding the soul of this land that Goans hold dear;
- (2) protect historical heritage through focused conservation efforts for its unique architectural and historical sites, echoing the resilience of Goa's past;
- (3) safeguard environment and land by enabling restrictions on land alienation in sensitive areas, promoting sustainable development, and protecting traditional livelihoods that sustain the heartbeat of Goan life;
- (4) ensure demographic stability by encouraging policies that maintain the socio-cultural balance of the State, preserving the harmony that defines its people;
- (5) establish a Goa Sustainable Developmental Council to provide expert guidance and facilitate coordinated action, ensuring a united stand to protect Goa's future;
- (6) uphold the rights of Goan communities by ensuring that the People of Goan origin have enduring rights over education, land use, ecological resources, and economic opportunities, protected in perpetuity—a promise to honor their legacy; and

- (7) protect ecologically sensitive areas: To ensure that all eco-sensitive zones, no-development zones, forest land (both public and private), marine eco-sensitive areas, orchard land, plateaus, aquifers, low-lying agricultural fields, eco-sensitive khazans, mangroves, and areas under the Coastal Regulation Zone (CRZ) are protected and preserved, safeguarding the very essence of Goa's environment that its people fight to defend;

There is an urgent need to protect Goa's limited natural and cultural resources from the impacts of unplanned and unsustainable development that threatens to erode its long-term ecological and social fabric. The enactment of this Bill will enable the State of Goa to maintain its unique character while pursuing sustainable development, thereby safeguarding its legacy for future generations.

Hence this Bill.

NEW DELHI;
July 7, 2025.

CAPTAIN VIRIATO FERNANDES

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the Goa Sustainable Developmental Council. It also provides for the constitution of the Goa Sustainable Developmental Council Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

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

MEMORANDUM OF DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Goa Sustainable Developmental Council to make regulations for carrying out the purposes of the Bill. It also empowers the Council to make bye-laws for the management of the Fund, etc. Since the regulations and bye-laws will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 89 of 2025

A Bill to provide for the promotion, regulation, and development of eco-tourism in India through sustainable and inclusive practices, the constitution of institutional mechanisms for planning and implementation, protection of fragile ecosystems, empowerment of local communities, and for matters connected therewith or incidental thereto.

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

CHAPTER I**PRELIMINARY**

1. (1) This Act may be called the Eco-Tourism Promotion Act, 2025.
- (2) This Act extends to the whole of India.

Short title,
extent and
commencement.

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

Definitions.

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

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

(b) “Authority” means the Eco-Tourism Promotion Authority constituted under section 3 of this Act;

(c) “Eastern States” include the States of West Bengal, Bihar, Jharkhand and Odisha;

(d) “North-Eastern States” include the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura as recognized under the North Eastern Council Act, 1971;

(e) “Indian Himalayan Region” or “IHR” includes the States and Union Territories lying partially or wholly within the Himalayan-mountain ranges, namely,—Jammu and Kashmir, Ladakh, Himachal Pradesh, Uttarakhand, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura and Meghalaya, as well as the hill districts of Assam (Dima Hasao and Karbi Anglong) and the hill regions of West Bengal (Darjeeling and Kalimpong);

(f) “Agency” refers to the Skill Enhancement Certification Agency constituted under section 15 of this Act;

(g) “States” means the State Governments referred to in under Article 1 of the Constitution of India;

(h) “Task Force” means the Marketing Task Force constituted under section 16 of this Act;

(i) “tourist centre” means a centre declared as a tourist centre by the appropriate Government; and

(j) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

INSTITUTIONAL FRAMEWORK

Constitution of
the Eco-Tourism
Promotion
Authority.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Eco-Tourism Promotion Authority for the purposes of promoting eco-tourism and developing tourist destinations in accordance with the provisions of this Act.

(2) The Authority shall be a body corporate by the said name, having a common seal and the power to acquire, hold and dispose of property, both movable and immovable, and to enter into contracts, and may sue or be sued in its said name. The Authority shall continue to exist notwithstanding any change in its composition.

(3) The Authority shall consist of the following members—

(a) the Minister-in-Charge of the Union Ministry of Tourism – Chairperson, *ex officio*;

(b) one full-time member to be appointed by the Central Government, having proven experience and expertise in the field of tourism development, archaeology, country and town planning, architecture, heritage conservation, or law – Vice-Chairperson;

(c) the Secretary, Union Ministry of Tourism – member, *ex officio*;

(d) the Secretary, Union Ministry of Culture – member, *ex officio*;

(e) the Secretary, Union Ministry of Home Affairs – member, *ex officio*;

(f) the Director General, Archaeological Survey of India – member, *ex officio*;

(g) the Secretaries in charge of the Department of Tourism of the State Governments – members, *ex officio*;

(h) the Member of the House of the People whose parliamentary constituency includes any part of a designated tourist destination – member, *ex officio*;

(i) the Municipal Commissioner of the Municipality concerned – member, *ex officio*;

(j) the Divisional Commissioner of the Division concerned – member, *ex officio*; and

(k) not more than three persons, possessing such qualifications and experience as may be prescribed, to be nominated by the Central Government – members.

(4) The Vice-Chairperson and the nominated members under clause (k) shall hold office for a maximum term of three years, or such other period as may be prescribed.

(5) The salary, allowances and other terms and conditions of service of the Vice-Chairperson and other members, other than *ex officio* members, shall be such as may be prescribed.

4. (1) The headquarter of the Authority shall be at Darjeeling in West Bengal.

Headquarter and other offices of the Authority.

(2) The Authority shall have its offices in every state capital or at such other places as it may deem fit for carrying out the purposes of this Act.

5. (1) The Authority shall appoint a Secretary and a Chief Accounts Officer in such manner as may be prescribed, by the Central Government.

Appointment and Functions of Secretary, Chief Accounts Officer and other staff of the Authority.

(2) The Secretary shall be the principal executive officer of the Authority and shall—

(a) act as the administrative head of the Authority;

(b) be responsible for convening meetings, preparing agenda, maintaining records and proceedings of the Authority;

(c) supervise and coordinate the activities of all divisions and personnel of the Authority;

(d) implement the decisions of the Authority and ensure compliance with statutory obligations; and

(e) discharge such other functions as may be assigned by the Authority or prescribed by rules.

(3) The Chief Accounts Officer shall be responsible for the financial management of the Authority and shall—

(a) prepare annual budgets and financial statements;

(b) maintain accounts in the manner prescribed;

(c) ensure compliance with financial regulations; and

(d) facilitate internal audits and coordinate with the office of the Comptroller and Auditor General of India.

(4) The salary, allowances, and other terms and conditions of service of the Secretary, the Chief Accounts Officer, and other officers and staff shall be such as may be prescribed.

(5) The Authority shall be provided with such number of officers and other employees as may be required for its efficient functioning.

(6) The Authority may, with the approval of the Central Government, appoint such other officers and employees as may be necessary for the efficient discharge of its functions under this Act.

(7) The duties, qualifications, and terms of service of the officers and employees appointed under sub-section (6) shall be such as may be specified by regulations made by the Authority, with the prior approval of the Central Government.

6. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings, as may be prescribed.

Meetings and procedure of the Authority.

(2) When any member referred to in sub-clause (c) or (d) or (e) of section 3 is unable to attend a meeting of the Authority for any reason, he may depute an officer, not below the

rank of Joint Secretary, from his Department to attend the meeting and such member shall have the right to vote.

(3) No Act or proceeding of the Authority shall be invalid by reason of any vacancy in the Authority.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

Objectives of the Authority.

7. The objectives of the Authority shall be—

- (a) to promote and develop eco-tourism in the country;
- (b) to improve and strengthen the existing infrastructure in and around rural regions, ancient monuments, heritage sites and tourist destinations;
- (c) to develop new eco-tourism destinations with all basic amenities;
- (d) to co-ordinate, support and interact with other departments and agencies for streamlining services and amenities in and around eco-tourism destinations;
- (e) to provide safety and security to tourists;
- (f) to facilitate and enhance the experience of the tourists, by promoting tourism ethics and education; and
- (g) to promote Indian culture, heritage, diversity, and tourism in a sustainable manner.

Master Plan for development of tourist destinations.

8. (1) The Authority shall, as soon as may be, prepare a separate Master Plan for the development of each eco-tourism destination.

(2) The Master Plan shall include—

- (a) vision for the development of eco-tourism destinations;
- (b) measures both short term, and long term to promote and develop eco-tourism; and
- (c) measures to strengthen the existing infrastructure in and around eco-tourism destination.

(3) The Master Plan of an eco-tourism destination shall be published in at least one local newspaper having circulation in that area for inviting objections and suggestions from general public before such date as may be specified in the publication.

(4) The Authority shall, before finalizing a Master Plan, take into consideration all objections and suggestions made under sub-section (3).

Functions of the Authority.

9. The Authority shall—

- (i) promote the development of tourism facilities in collaboration with local communities in the eco-tourism destination;
- (ii) development of all infrastructure will be undertaken prioritizing the preservation of the original composition— ethnic, cultural and natural, of the tourism destination;
- (iii) prepare a calendar of activities including annual festival, melas, haats to be organised in each forthcoming financial year for the promotion of eco-tourism at different tourist destinations;
- (iv) advertise such activities as it considers necessary to promote eco-tourism at different tourist destinations;
- (v) interact once in three months with the stakeholders including representatives of the local communities, hoteliers, local authorities, police, forest, Archaeological Survey of India, and the Tourism Department of the State Governments concerned for proper co-ordination to develop and strengthen eco-tourism infrastructure in and around tourist destinations in the area;
- (vi) provide green amenities at such rate and in such manner to the visitors, as may be notified by the Central Government in this regard;

(vii) provide such other amenities as it may deem fit for the development of eco-tourism destinations;

(viii) recommend to the Central Government the measures to be taken for the development of eco-tourism destinations;

(ix) coordinate with the local authorities functioning in the area regarding any developmental work undertaken or to be undertaken in or around an eco-tourism destination;

(x) maintain a website containing all essential information regarding eco-tourism destinations including forest camps, homestays, hotels, monuments and heritage sites, tourist maps, help desk, district administration and tour operators with a view to provide necessary information and help to the tourists;

(xi) levy and collect entry fee at such rate and in such manner, as may be prescribed, from visitors at eco-tourism destinations; and

(xii) issue such directions as it may deem necessary or expedient to meet the purposes of the Act.

10. (1) The Central Government shall, by notification in the Official Gazette, constitute an Eco-Tourism Satellite Account for the economic measurement of eco-tourism in the country.

Constitution of
Eco-Tourism
Satellite
Accounts.

(2) The Eco-Tourism Satellite Account shall include –

(a) harmonization and reconciliation of eco-tourism statistics from an economic perspective;

(b) eco-tourism economic data that is comparable with other economic statistics; and

(c) inbound domestic eco-tourism and outbound eco-tourism expenditure including internal eco-tourism expenditure, production accounts of eco-tourism industries, the Gross Value Added (GVA) and Gross Domestic Product (GDP) attributable to eco-tourism, employment, investment, Government consumption and non-monetary indicators.

11. (1) The Central Government may, if it is of the opinion that an area has eco-tourism potential in view of its location, cultural uniqueness, ancient or historical importance, or natural beauty, it may, by notification in the Official Gazette, declare that area to be an eco-tourism destination.

Declaration
of an area
as Tourist
Destination.

(2) An area declared under sub-section (1) as eco-tourism destination shall be maintained by the Board as per international standards.

12. (1) Whenever any development work is to be carried out in or around any eco-tourism destination by any local authority, such local authority shall inform the Authority, through its Secretary or designated officer, in writing at least fifteen days before carrying out any development work, along with the estimates of expenditure likely to be incurred on the development work.

Prior intimation
of any
development
work by any
local authority to
the Authority.

(2) The Authority shall maintain a Register containing details of development works to be undertaken by the local authorities.

(3) Any person, who intends to inspect the Register maintained under sub-section (2), shall apply to the Authority, in such form and manner as may be prescribed.

(4) If, in the opinion of the Authority, any proposed development work shall adversely affect the eco-tourism potential of a tourist destination, the Authority may, after giving an opportunity of being heard to the agency concerned, restrain such agency from carrying out any such development work.

13. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, on the recommendation of the Authority and in consultation with the State Government concerned, acquire any land required for the purposes of development of a new eco-tourism destination under this Act. Such acquisition shall be carried out in accordance with the provisions of the Right to Fair

Acquisition
of land for
development
of tourist
destination.

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The Central Government shall ensure payment of fair compensation and provision of rehabilitation and resettlement to the affected persons within six months from the date of acquisition.

CHAPTER IV

IMPLEMENTATION ARMS AND MECHANISMS

Skill
Enhancement
Certification
Agency.

14. (1) The Central Government shall, by notification in the Official Gazette, constitute an Agency to be known as the Skill Enhancement Certification Agency for carrying out the purposes of this Act.

(2) The Agency shall—

(a) establish and recognize skill development institutions which provide courses in any such activity which aid in eco-tourism; and

(b) provide to every student who successfully complete courses in eco-tourism guides, languages, cookery and driving a certificate for acquiring respective skills.

Marketing Task
Force.

15. (1) The Central Government shall, in consultation with the Council, constitute a Task Force to be known as the Marketing Task Force for marketing and campaigning of the eco-tourism in the country.

(2) The Task Force shall consist of—

(a) a Chief Public Relations Officer having compulsory training in marketing, even if recruited from All India Civil Services; and

(b) representatives from the marketing and personal relations industry, to be appointed by the Central Government in such manner as may be prescribed.

(3) The Task Force shall—

(a) strive to develop positive image of eco-tourism in India and also in other countries;

(b) make tailor-made ad campaigns and other marketing modes to promote eco-tourism in the country;

(c) report negative experiences of tourists in a particular place as collated through analytics to the local administration for their immediate redressal; and

(d) showcase the trouble-shooting and hassle-free eco-tourism experiences in the place.

CHAPTER V

FINANCIAL PROVISIONS

Constitution of
the Eco-Tourism
Promotion
Authority Fund.

16. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Eco-Tourism Promotion Authority Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

Returns and
inspections.

17. (1) The Authority shall furnish to the Central Government at such time and in such form and manner, as may be prescribed, such returns, statements and other particulars in regard to any proposed or existing programme for the promotion and development of eco-tourism, as the Central Government may, from time to time require.

(2) The Authority or any other officer authorized on its behalf, may call for reports and other information from the State Government or any other agency, as may be required by it for the efficient administration of this Act and it shall be incumbent for the State Government or other agency concerned to furnish the information so required.

CHAPTER VI

SUPERVISION AND ACCOUNTABILITY

Central
Government to
issue directions.

18. The Central Government shall, from time to time, issue such directions to the Authority, as may be necessary for carrying out the purposes of this Act.

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

Annual Report.

(2) A copy of the report forwarded under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

20. All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the Secretary to the Authority or any other officer authorized by the Authority in that behalf.

Authentication of orders and documents of Authority.

CHAPTER VII

MISCELLANEOUS

21. No suit, prosecution or other legal proceedings shall lie against any person or authority for anything which has been done or intended to be done in good faith under this Act or the rules made thereunder.

Protection of action taken in good faith.

22. The Board may, by general or special order, direct that any power exercisable by it under this Act may be exercised by such officer or local Board in such cases and subject to such conditions as may be specified therein.

Power to delegate.

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

Power to make rules.

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

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

Removal of difficulty.

(i) provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act; and

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

25. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, dealing with any of the matters dealt within this Act.

Act not to be in derogation of other laws.

STATEMENT OF OBJECTS AND REASONS

India possesses immense ecological and cultural diversity, offering a tremendous opportunity to position itself as a global leader in eco-tourism. With 106 national parks covering 44,402.95 km² (1.35% of the geographical area) and over 1,000 protected areas spread across 178,640 km² (5.43% of India's landmass), the country's natural resources are unparalleled (Wildlife Institute of India, PIB, 2024). Further, India has a rich cultural, linguistic, musical, religious and ethnic diversity, which are primary drivers of eco-tourism across the world. Yet, despite this potential, eco-tourism contributes less than 5% to India's tourism economy, signaling a significant gap between potential and policy.

As per recent projections, India's eco-tourism market was valued at USD 8.4 billion in 2023 and is expected to grow to USD 26.85 billion by 2030, expanding at a Compound Annual Growth Rate (CAGR) of 18.1% as per the Grand View Research, 2024. However, unregulated tourism has led to loss of traditional communities, their culture and traditions, environmental degradation, biodiversity loss, and the exploitation of fragile ecosystems. Recognizing these threats, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has designated Eco-Sensitive Zones (ESZs) around 487 protected areas, yet enforcement and developmental synergy remain weak.

The Eco-Tourism Promotion Bill, 2025, seeks to establish a robust institutional and regulatory framework through the constitution of the Tourism Development Board, the Eco-Tourism Promotion Authority, and the Sustainable Tourism Interventions Council. These bodies will ensure coordinated planning and execution of eco-tourism strategies while preserving local ecology, promoting sustainable infrastructure, and engaging indigenous communities. Additionally, the Bill proposes a Skill Enhancement Certification Agency to build human capital in eco-tourism and a mechanism for Tourism Satellite Accounts to monitor economic, social, and ecological outcomes.

This legislation aligns with India's international obligations under the UN Sustainable Development Goals (SDGs), particularly SDGs 8, 11, 12, 13, and 15 focusing on sustainable economic growth, resilient communities, responsible consumption, climate action, and biodiversity conservation, and responds to the increasing demand for nature-based, responsible tourism. By establishing a unified framework that integrates environmental safeguards, community-based tourism, and sustainable economic development, the Eco-Tourism Promotion Bill, 2025 will serve as a blueprint for green growth and ecological resilience in India's tourism sector.

Hence this Bill.

NEW DELHI;
July 8, 2025

RAJU BISTA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Eco-Tourism Promotion Authority. Clause 5 provides for the appointment and functions of Secretary, Chief Accounts Officer and other staff of the Authority. Clause 13 provides for acquisition of land for development of tourist destination. Clause 14 provides for skill enhancement certification agency. Clause 15 provides for constitution of a Marketing Task Force. Clause 16 provides for constitution of the Eco-Tourism Promotion Authority Fund. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty crore per annum will be involved.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 98 of 2025

A Bill further to amend the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982.

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

1.(1) This Act may be called the Suppression of Unlawful Acts Against Safety of Civil Aviation (Amendment) Act, 2025.

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 and different dates may be appointed for different provisions of this Act.

Amendment
of section 2.

2. In section 2 of the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (hereinafter referred to as the principal Act),—

66 of 1982.

(A) in sub-section (1),—

(a) after clause (b), the following clauses shall be inserted, namely:—

“(ba) "Airline" means any entity engaged in the operation of air transport services for the carriage of passengers, mail, or cargo, whether scheduled or non-scheduled;”;

(b) after clause (c), the following clause shall be inserted, namely:—

(ca) "Civil Aviation Security Authority" refers to the Bureau of Civil Aviation Security (BCAS) established under section 5 of the Bharatiya Vayuyan Adhiniyam, 2024 for the purpose of regulating civil aviation security in India; and

16 of 2024.

(cb) "hoax bomb threat" means any communication or act, through any medium, disseminating false information regarding the presence of bombs, explosive devices, or other hazardous materials on board aircraft, within an aerodrome, or any aviation-related facility, where such information is known or believed to be false by the person communicating it;”;

(c) after clause (e), the following clause shall be inserted, namely:—

(ea) "No-Fly List" refers to the list of individuals prohibited from boarding aircraft operating within the jurisdiction of India, maintained by the competent authority for reasons of national security or public safety;”;

(B) in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) an aircraft shall be deemed to be on ground when it is not in flight, immobile or stationed.”.

Insertion of
new Chapter.

3. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely,—

“CHAPTER II-A

HOAX BOMB THREAT IN AVIATION

Applicability
to Aircraft
Flight and on
Ground.

5E. The provisions of this Chapter shall apply to any act, threat, or offence, regardless of whether it occurs on board an aircraft while in flight or on the ground, including when the aircraft is parked, taxiing, stationed, or otherwise immobile within any aerodrome or aviation facility.

Offence of
Hoax Bomb
Threats to be
cognizable and
non-bailable.

5F. (1) Any person who, by any means of communication, knowingly conveys or causes to be conveyed a false statement or information regarding the presence of a bomb, explosive device, or any hazardous material on or targeting an aircraft, airline, aerodrome, or any aviation related facility, commits an offence under this Act.

(2) The offence referred to in sub-section (1) shall be deemed cognizable and non-bailable.

Punishment
for Hoax
Bomb Threats.

5G. (1) Any person convicted of the offence under section 5B shall be punished with imprisonment for a term not less than three years, which may extend to seven years and shall be liable to a fine of not less than five lakh rupees.

(2) Where the hoax bomb threat results in the diversion, disruption, or emergency landing of an aircraft, the offender shall be punished with imprisonment for a term not less than seven years, which may extend to 10 years and shall also be liable to a fine of not less than ten lakh rupees.

5H. (1) Where a hoax bomb threat causes significant disruption to civil aviation operations, induces public panic or alarm, or requires extraordinary measures such as military or emergency intervention, it shall be deemed an aggravated hoax bomb threat.

Aggravated
Hoax Bomb
Threat.

(2) Any person convicted of an aggravated hoax bomb threat under sub-section (1) shall be punished with imprisonment for a term not less than seven years and shall be liable to a fine not less than fifteen lakh rupees.

5I. (1) Where a hoax bomb threat is communicated through electronic or digital platforms, including emails, social media, telecommunications or any other digital communication or broadcasting medium, the offence shall also be subject to the provisions of the Information Technology Act, 2000, in addition to the penalties prescribed under this Act.

Offences
Committed
Through
Digital Means.

21 of 2000.

(2) Any act constituting cyber terrorism under Section 66F of the Information Technology Act, 2000, involving hoax bomb threats intended to disrupt critical aviation infrastructure, shall be punishable with imprisonment for a term not less than seven years.

5J. (1) Any person convicted of an offence under this Act shall be placed on the No-Fly List for a minimum period of five years from the date of conviction.

Inclusion in
No-Fly List.

(2) The convicted person shall be notified in writing, and may appeal the inclusion on the No-Fly List within a period of thirty days from the date of notification.

(3) Airlines affected by the hoax bomb threat may seek civil penalties or compensation for damages incurred, including costs related to flight diversion, emergency landings, or any other operational disruptions resulting from the threat.

5K. (1) The Bureau of Civil Aviation Security (BCAS), in coordination with law enforcement agencies, shall have the authority to investigate and enforce the provisions of this Act:

Investigation
and
Enforcement
Powers.

Provided that investigation under this act shall be conducted as provided under Bharatiya Nyaya Suraksha Sanhita, 2023, except the power to arrest any person.

(2) The Bureau of Civil Aviation Security shall maintain a database of hoax bomb threats and monitor aviation security risks, collaborating with the Ministry of Home Affairs for enforcement and preventive actions.

(3) The Bureau of Civil Aviation Security may recommend the inclusion of individuals on the No-Fly List based on evidence obtained during the investigation of offences under this Act.

5L. Subject to the Section 3 of this Act, offences under section 5B shall be tried by the magistrate of first class and shall exclusively be tried in accordance with the provisions of the Bharatiya Nyaya Suraksha Sanhita, 2023:

Jurisdiction
and Trial.

Provided that in cases involving digital or electronic communications, jurisdiction may also be exercised by the Cyber Appellate Tribunal constituted under the Information Technology Act, 2000.

Emergency
Powers of
the Central
Government.

5M. (1) Where a series of hoax bomb threats causes disruption to civil aviation or poses a threat to national security, the Central Government may, by notification in the Official Gazette, declare a state of aviation security emergency.

(2) The Central Government may during a state of aviation security emergency declared under sub-section (1), impose temporary restrictions on flights, enhance security protocols, and implement any other necessary measures to ensure the safety and security of aviation operations."

STATEMENT OF OBJECTS AND REASONS

In recent years, the civil aviation sector has faced a rising number of hoax bomb threats, severely disrupting operations and posing threats to national security. According to reports from the Ministry of Civil Aviation, more than 999 hoax bomb threats were reported till November 2024, affecting the schedules of over hundreds of flights. Such threats, even though false, necessitate emergency responses, including aircraft diversions, security interventions, and heightened passenger anxiety, causing significant financial and operational losses to airlines and airports.

Given the inadequacy of current legal provisions to address these issues, it has become necessary to insert a new section within the suppression of unlawful acts against safety of civil aviation act, 1982, that comprehensively defines and penalizes hoax bomb threats. While the Bharatiya Nyaya Sanhita, 2023, Aircraft (Security) Rules, 2024 and Information Technology Act, 2000, provide mechanisms to address general hoaxes and cyber terrorism, there remains a gap in legislation focused on aviation-specific threats. Hence, the Bureau of Civil Aviation Security (BCAS) will be empowered to investigate these cases, maintain a database, and enforce stricter punishments, including placement of offenders on the No-Fly List for a minimum of five years.

The proposed amendments will introduce aggravated penalties, with offenders facing imprisonment up to seven years and fines up to fifteen lakh rupees, particularly when hoax threats result in emergency measures or military intervention. Additionally, the increasing use of digital platforms to disseminate these threats necessitates corresponding legal provisions, which will integrate the Information Technology Act, 2000 for handling such offences through digital means.

The amendments are aligned with national and international best practices for aviation security. In the United States, for example, similar hoax threats are treated as serious federal crimes, and European Union regulations mandate strict security responses to false bomb threats. The new provisions under this Act aim to enhance deterrence, improve public safety, and reduce the economic burden on the aviation sector caused by false alarms.

These changes are essential to ensure robust civil aviation security and maintain passenger confidence in air travel.

Hence this Bill.

NEW DELHI;
July 8, 2025

RAJU BISTA

Bill No. 96 of 2025

A Bill to regulate collection, testing, processing, storage, distribution, issuance, transfusion of human blood, blood components, ensuring health protection and prevention of transfusion transmissible diseases and establishing national standards for safe blood collection, transfusion and management, and imposing penalties for non-compliance and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Blood Transfusion Act, 2025.

(2) It extends to the whole of India.

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

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

(a) “Authority” means the National Blood Transfusion Authority established under section 3;

Short title,
extent and
commencement.

Definitions.

- (b) “blood” means human blood collected from a donor and intended for transfusion;
- (c) “blood centre” means any facility engaged in collection, testing, processing, storage, or distribution of blood or blood components;
- (d) “blood component” means any therapeutic constituent of blood including red cells, white cells, platelets and plasma, separated by physical or mechanical means;
- (e) “Chairperson” means the Chairperson of the Authority;
- (f) “haemovigilance” means surveillance of adverse effects associated with transfusion of blood and blood products;
- (g) “prescribed” means prescribed by rules made under this Act; and
- (h) “transfusion-transmissible disease” means a disease that may be transmitted from donor to recipient through transfusion of blood or blood components.

Establishment
of the National
Blood
Transfusion
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 National Blood Transfusion Authority to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

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

Composition of
the Authority.

4. (1) The Authority shall consist of the following members, namely:—

- (a) the Additional Secretary or Union Ministry of Health and Family Welfare—Chairperson;
- (b) the Director General of Health Services—President;
- (c) the Deputy Director General, Union Ministry of Health and Family Welfare—Director;
- (d) the National Mission Director, National Health Mission—Member;
- (e) the Additional Director General, Union Ministry of Health and Family Welfare—Secretary;
- (f) the Additional Secretary and Financial Adviser, Union Ministry of Health and Family Welfare—Member;
- (g) the Drugs Controller General of India—Member;
- (h) the Joint Secretary, Union Ministry of Health and Family Welfare—Member;
- (i) the Secretary, Indian Red Cross Society—Member;
- (j) the Director, National Institute of Biologicals—Member;
- (k) two Transfusion Medicine Experts from Government Blood Centres, to be appointed by the Central Government—Members;
- (l) one Transfusion Medicine Expert from a private Blood Centre, to be appointed by the Central Government—Member;**
- (m) one Transfusion Medicine Expert from the Armed Forces Blood Centre;
- (n) one representative from the National Medical Commission, to be appointed by the Central Government—Member;
- (o) two representatives from National-Level Voluntary Blood Donor Organisations—Members;**
- (p) one representative from a State Blood Transfusion Council, by rotation—Member; and
- (q) such other members, not exceeding three, as may be nominated by the Central Government, having expertise in the field of blood transfusion or public health.**

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

Provided that 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.

(3) 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.

5. The Authority shall perform the following functions, namely:—

Functions of the Authority.

(a) to lay down policies and national standards for collection, testing, processing, storage, distribution and transfusion of blood and blood components;

(b) to regulate and monitor the activities of blood centres and ensure compliance with safety norms;

(c) to prescribe protocols for quality assurance and internal audits;

(d) to establish a national haemovigilance programme;

(e) to promote voluntary blood donation through coordinated national campaigns;

(f) to oversee research and training in transfusion medicine;

(g) to advise the Central Government in matters relating to blood transfusion services;

(h) to investigate into the complaints regarding non-compliance of the provisions under this Act; and

(i) to perform such other functions as may be assigned by the Central Government.

6. No person shall establish or operate any blood centre after the commencement of this Act unless such centre is registered under the provisions of this Act.

Prohibition on operation of blood centres.

7. (1) Every person intending to establish or operate a blood centre shall make an application to the Authority in such form and manner and accompanied by such fee as may be prescribed.

Application for registration.

(2) The Authority shall, on receipt of an application under sub-section (1), cause such enquiry to be made and if satisfied that the applicant fulfills the prescribed standards and norms, register the blood centre and issue a certificate of registration in such form as may be prescribed.

(3) The certificate of registration shall be valid for a period of five years and may be renewed subject to compliance with conditions prescribed.

8. (1) The Authority may suspend or cancel the registration of any blood centre if it is satisfied, after giving an opportunity of being heard, that—

Suspension and cancellation of registration.

(a) the centre has violated any provision of this Act or the rules made thereunder; or

(b) the centre is being operated in a manner prejudicial to the health and safety of donors or recipients.

(2) The manner of suspension, cancellation and appeal shall be such as may be prescribed.

9. Whoever operates a blood centre without registration shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten lakh rupees, or with both.

Prohibition of unregistered operations.

10. Whoever knowingly collects, processes, or transfuses contaminated or unsafe blood shall be punishable with imprisonment for a term not less than two years but which may extend to five years and with fine which shall not be less than five lakh rupees.

Adulteration or unsafe practices.

11. Any blood centre or person who contravenes any provision of this Act or rules made thereunder shall be liable to a punishment which shall not be less than rupees ten thousand which may extend upto rupees two thousand.

Penalty for non-compliance.

Central Government to provide funds.

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

Account and Audit.

13. (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 the Parliament.

Annual Report.

14. (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 forward the same to the Central Government, which shall cause it to be laid, as soon as may be after it is received, before each House of the Parliament.

(2) 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.

Continuance of existing blood centres.

15. All blood centres operating under valid licence on the date of commencement of this Act shall be deemed to be registered for a period of one year and shall obtain fresh registration under this Act within such period as may be prescribed.

Power to remove difficulties.

16. 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.

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

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

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

STATEMENT OF OBJECTS AND REASONS

The availability of safe and adequate blood is an essential requirement of any modern health system. At present, regulation of blood transfusion services is governed by dispersed provisions under the Drugs and Cosmetics Act, 1940 and Rules made thereunder. In view of the growing needs for quality control, standardisation, voluntary donation, and oversight, it is necessary to enact a dedicated legislation on blood transfusion services.

The Bill seeks to establish a National Blood Transfusion Authority with statutory powers to prescribe national standards for blood collection, processing, storage and transfusion; to ensure quality assurance through inspections and audits; to promote voluntary donation; and to provide for penalties for unsafe practices. It also mandates the registration of all blood centres and provides for coordinated responsibilities of the Central and State Governments.

Hence this Bill.

NEW DELHI;
July 8, 2025

PARSHOTTAMBHAI RUPALA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Blood Transfusion Authority. Clause 4 provides for appointment of members of the authority. Clause 5 provides for establishment of a national hemovigilance programme. Clause 12 provides for the Central Government to grant such sums of money to the authority as it may think fit. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees one hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of about rupees fifty crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 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. 88 of 2025

A Bill further to amend the Motor Vehicles Act, 1988.

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

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2025.

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 section 134A of the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act),—

Amendment
of section
134A.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

Legal Aid
for Good
Samaritans.

“(1A) The Central Government shall ensure the provision of free legal aid, through the appropriate Legal Services Authority, to any Good Samaritan involved in legal proceedings arising out of any act done or omission made

while rendering emergency medical or non-medical care or assistance under the provisions of this section or section 134B.

(1B) The legal aid under sub-section (1A) shall be provided irrespective of the Good Samaritan's income, social status, or background"; and

(b) in sub-section (2), after the words, "procedure for questioning or examination of the Good Samaritan", the words "and procedure for availing legal aid under sub-section (1A)," shall be inserted.

Insertion of
new section
134B.

Duty to render
assistance.

3. After section 134A of the principal Act, the following section shall be inserted, namely:—

"134B (1) Any person who has reasonable belief that another person is in imminent danger of death or is otherwise in need of urgent assistance as a result of an accident involving a motor vehicle shall, where it is reasonably practicable to do so without risk to himself or to any other person, render such assistance as may be necessary in the circumstances of the case:

Provided that this duty shall not apply to any person who, by reason of being a minor, of advanced age, infirmity, physical or mental incapacity, pregnancy, trauma, or any other reasonable cause, is unable to act.

(2) The assistance referred to in sub-section (1) may include—

(a) informing the nearest medical facility, police station, or emergency response services;

(b) rendering basic first aid, where the person is trained to do so; or

(c) facilitating or arranging for the transportation of the injured person to the nearest hospital or medical facility.

Explanation.— For the purposes of this section,—

(a) "assistance" includes, but is not limited to, actions specified under sub-section (2), and any reasonable effort made in good faith to prevent further harm to the victim of the accident;

(b) "reasonable belief" and "reasonably practicable" shall be interpreted in accordance with the facts and circumstances of each case, and in a manner that encourages public assistance without imposing undue risk or burden."

STATEMENT OF OBJECTS AND REASONS

India continues to grapple with a high burden of road accident fatalities, with approximately 1.7 lakh lives lost each year due to motor vehicle accidents. A significant proportion of these deaths occur because victims do not receive timely medical assistance during the critical ‘golden hour’ following the incident. Nearly 50 per cent. of such fatalities are considered preventable with timely assistance from bystanders.

However, a deep-rooted reluctance among bystanders to intervene persists, driven by well-founded fears of legal liability, police harassment, repeated court appearances, and a lack of procedural clarity. This hesitation is further compounded by the ‘bystander effect’, wherein individuals are less likely to offer help when others are present. Together, these legal, institutional, and behavioural barriers severely undermine timely public response, often resulting in preventable loss of life.

In 2016, the Hon’ble Supreme Court of India acknowledged the vital role of Good Samaritans and issued guidelines to protect them from civil and criminal liability. These protections were later incorporated into Section 134A of the Motor Vehicles Act, 1988. Despite this, implementation remains inadequate due to limited public awareness, inconsistent enforcement and the absence of robust institutional support mechanisms. Importantly, Indian law does not impose a positive legal obligation on individuals to assist accident victims, unlike in several other jurisdictions where such a duty is recognised and enforceable.

The Bill, therefore, seeks to address these gaps through two key legislative measures:—

(a) The Bill proposes the insertion of sub-section (3) under Section 134A to mandate the provision of free legal aid to any Good Samaritan who becomes involved in legal proceedings as a result of providing such assistance. This aid shall be available irrespective of the Good Samaritan’s income, social status, or background, and will be facilitated through the appropriate Legal Services Authority. By institutionalising legal support, this measure seeks to eliminate a major deterrent to public intervention.

(b) The Bill proposes the insertion of a new Section 134B to establish a qualified statutory duty to assist individuals who are in imminent danger or in need of urgent help due to a motor vehicle accident. The duty would apply only where it is reasonably practicable to offer assistance without personal risk. Persons who act in good faith and without gross negligence under this provision shall be deemed Good Samaritans and granted immunity from civil or criminal liability.

The proposed amendments represent a necessary reform to strengthen the legal and institutional framework for road safety and emergency response in India. By introducing a statutory duty to assist and guaranteeing legal aid for Good Samaritans, the Bill addresses the legal and institutional gaps that deter public intervention. These provisions advance the constitutional mandate under Article 21, which guarantees the right to life, and Article 39A, which calls for equal access to justice and legal aid, while fostering a culture of moral, responsible and compassionate citizenship.

Hence this Bill.

NEW DELHI;
July 8, 2025

G. M. HARISH BALAYOGI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill *vide* proposed amendment to section 134A empowers the Central Government to make rules for providing free legal aid to good samaritans. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 99 of 2025

A Bill to promote natural farming by the farmers devoid of chemical fertilizers and pesticides and for matters connected therewith.

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

1. (1) This Act may be called the Promotion of Natural Agriculture Act, 2025.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

(c) “chemical fertilizers” means substances synthesized chemically that are added to soil to supply one or more plant nutrients essential to the growth of plants;

(d) “natural farming” means a method of farming that excludes the use of synthetic chemicals, fertilizers, pesticides, and genetically modified organisms and relies on techniques such as crop rotation, green manure, compost and biological pest control; and

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

Promotion
of Natural
Farming
by the
Appropriate
Government.

3. The appropriate Government shall promote natural farming by encouraging farmers under its jurisdiction to adopt eco-friendly farming technology in such manner as may be prescribed;

Provided that the natural farming shall be voluntary and not binding on the farmers.

Appropriate
Government
to measures
for promoting
Natural
farming.

4. The appropriate Government shall, for promoting natural farming in the country,—

(a) provide research, training and demonstration of latest agricultural techniques and practices on natural or organic farming to the farmers;

(b) diversify the agricultural produce grown with natural and organic manure;

(c) test and certify the quality of organic manure and pesticides used in natural farming;

(d) conduct research on soil health, crop production and pest management used in natural farming;

(e) provide assistance to the farmers practising natural farming and affected from natural calamities including floods and drought;

(f) give priority to the farmers practising natural farming in irrigation facilities;

(g) provide high-yielding and pest resistant seeds to farmers practising natural farming;

(h) put a check on fragmentation of land holding and improve land use efficiency for natural farmers;

(i) conduct skill development programmes to train rural youth in natural farming; and

(j) create employment opportunities in rural areas by promoting natural farming.

5. (1) The Central Government shall fix the minimum support price (MSP) for natural agricultural produce which shall not be less than twice of the price fixed for the agricultural produce in ordinary farming.

Minimum support price and insurance for natural agricultural produce.

(2) The appropriate Government shall ensure that the farmers practising natural farming have benefits of crop insurance two times in comparison to farmers practising usual farming.

6. The appropriate Government shall establish National Agricultural Produce Market in all agricultural markets including the Agricultural Produce Market Committees established by the State Government concerned under its jurisdiction for sale of natural agricultural produce.

Establishment of Natural Agricultural Produce Market.

7. The appropriate Government shall establish adequate number of procurement centres for storage and transportation of agricultural produce cultivated by natural farming.

Appropriate Government to open procurement centre.

8. The appropriate Government shall promote,—

(a) making of food items from natural agricultural produce in rural areas; and

(b) cottage and small-scale industries to use agricultural produce grown from organic and natural manure.

Appropriate Government to promote industries involved in natural farming.

9. The appropriate Government shall ensure that revenues generated from the purchase of carbon credit limits by the companies generating carbon emission in excess to the prescribed limit to promote natural farming in the country.

Use of revenues generated from purchase of excess carbon credit for promoting natural farming.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special 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 the removal of the difficulty.

Power to remove difficulty.

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

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

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

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session

or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is necessary to implement the Natural Agriculture Bill 2025 for raising and protecting the prices of natural agricultural produce, increasing the participation of farmers in the development of natural agriculture, producing food items in accordance with health requirements, liberalizing agricultural services for farmers adopting natural farming and other purposes. It will be an important step to raise the income of farmers adopting natural farming.

Hence, this Bill.

NEW DELHI;
July 8, 2025.

DARSHAN SINGH CHOUDHARY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the appropriate Government to take measures for promoting natural farming in the country. Clause 6 provides for the establishment of Natural Agricultural Produce Market by the appropriate Government. Clause 7 provides for the establishment of adequate number of procurement centres for storage and transportation of agricultural produce cultivated by natural farming. Clause 8 provides for promoting food items produced from natural farming in rural areas. 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 will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees one hundred crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

Bill No. 94 of 2025*A Bill further to amend the Environment (Protection) Act, 1986.*

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

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2025.

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 section 2 of the Environment (Protection) Act, 1986 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely,—

Amendment of
section 2.

“(a) “environment” includes the natural heritage including water, air, land, vegetation, bio-diversity and the inter-relationship which exists between the

water, air and land vegetation and humans, other living creatures, plants and micro-organisms and the natural heritage and property;”.

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (2), after clause (xiii), the following clause shall be inserted, namely,—

“(xiiia) compulsory installation of real time emission monitoring system by all the “red” and “orange” category industries;

(xiiib) making data of real time emission by the industries under clause (xiiia) accessible to the general public or Environment Information System (ENVIS); and

(xiiic) recognition of drones, Artificial Intelligence (AI), Geographic Information System (GIS), Internet of Things (IoTs) based technologies as legal evidence in reporting of cause related to environmental pollution.”.

Insertion of new section 3A.

Declaration of National Carbon Budget.

4. After section 3 of the principal Act, the following section shall be inserted, namely,—

“3A. The Central Government shall, by notification in the Official Gazette, declare its National Carbon Budget indicating the net amount of carbon dioxide (CO₂) emitted by human activities per annum.”.

Insertion of new Chapter IIA.

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

“CHAPTER IIA

GENERAL POWER OF THE STATE GOVERNMENT

State Government to submit State Environment Risk Assessment Report to the Central Government.

6A. Every State Government shall submit State Environment Risk Assessment Report to the Central Government at the interval of every two years in such manner as may be prescribed.

Establishment of Local Environment Monetary Committee (LEMC).

6B. (1) The State Government shall establish Local Environment Monitoring Committee (LEMC) at every Gram Panchayat and Municipal Corporation under its jurisdiction.

(2) Every LEMC established under sub-section (1) shall monitor pollution, redress public grievance and conduct awareness programmes on risk of pollution in such manner as may be prescribed.

(3) Every LEMC established under sub-section (1) shall recommend the actions to be taken by the State Pollution Control Board established under the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981.”.

Amendment of section 15.

6. In section 15 of the principal Act,—

(a) in sub-section (1), for the words, “or with fine which may extend to one lakh rupees, or with both, and in case of the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day”, the words, “or with fine which may extend to fifty lakh rupees, or with both and if failure or contravention continues, for a further fine which may extend to one lakh rupees for every day”, shall be substituted; and

(b) in sub-section (2), for the words, “shall be punishable with imprisonment for a term which may extend to seven years”, the words, shall be punishable with imprisonment for a term which may extend to seven years or with fine which may extend upto rupees two crores or with both”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Environment (Protection) Act, 1986 was enacted to provide for the protection and improvement of the environment. However, the said Act has not been able to achieve its goal due to the inadequate penal provisions prescribed under it. Currently, challenges such as increasing industrial pollution, climate change, and bio-diversity loss raise questions about the effectiveness of this Act.

This Act has not been relatively successful in protecting the environment and preventing pollution for many decades. The penal provisions under this Act have not been amended since its enactment and at present the environment is not being protected.

The major issues faced today are:—

- (i) Outdated standards and regulations: Most environmental regulations are no longer relevant.
- (ii) Weak system of implementation: The control boards of the States are suffering from lack of resources.
- (iii) Lack of public participation: Participation of local communities is only formal.
- (iv) Lack of strict punishment for polluters: Corporates or industries do not get serious punishment.
- (v) Lack of new technology: Lack of tools like AI, GIS, IoT.

Environment (Protection) Act, 1986 defines environment by referring only to water, air and land, whereas it is very important to include water, air, land, vegetation, biological diversity and natural heritage under the term 'environment' because environment has been defined by including water, air, land, vegetation, humans, other living creatures, plants and micro-organisms and natural heritage;

The provision of a five year imprisonment for violation of the Act is fine but it has not been very successful due to the imposition of a fine of up to one lakh rupees. Anyone can continue violating the rules by paying the fine. Therefore, a fine of at least fifty lakh rupees is absolutely necessary.

Hence this Bill.

NEW DELHI;
July 08, 2025.

DARSHAN SINGH CHOUDHARY

Bill No. 116 of 2025

A Bill to provide for protection of Medical and health service professionals against assault, use of criminal force and intimidation and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Protection of Medical and Health Service Professionals from Assault, Criminal Force and Intimidation Act, 2025.

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.

Definitions.

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

(a) “medical and health service institution” means an institution providing medical and health services to people in the recognized system of medicine under the control of the Central Government or a State Government or an undertaking of the Central Government or a State Government or under local bodies and includes an institution or clinical establishment or hospital, maternity home, medical laboratory, nursing home and physiotherapy establishments owned by a private individual or entity or trust, or society.

(b) “medical and health service professional” in relation to medical and health service institution shall include:—

(i) registered medical practitioners;

(ii) qualified nurses;

(iii) qualified midwives;

(iv) medical students; and

(v) nursing students.

(c) “medical student” means a student undergoing graduate or post graduate course in the recognized system of medicine from a recognized medical and health service college or institution;

(d) “nursing student” means a student undergoing diploma or degree courses in nursing midwifery from a recognized medical and health service college or institution;

(e) “recognized system of medicine” mean the following system of medicine namely:—

(i) modern scientific system of medicine (allopathic) within the meaning of the National Medical Commission Act, 2019;

30 of 2019.

(ii) homeopathic and biochemic System of medicine within the meaning of the National Commission for Homeopathy Act, 2020;

15 of 2020.

(iii) ayurvedic system, unani system and naturopathy system of medicines; and

(iv) any other recognized system of treatment recognized as such under any law for the time being in force.

(f) “recognized medical practitioner” means a medical practitioner qualified in recognized system of medicine and is duly enrolled in the State Medical Register of such system of medicine and includes provisional registered medical practitioner.

(2) The words and expression used in this Act but not defined shall have the same meaning as assigned to them in the respective laws enacted by Parliament of India in that regard.

Prohibition of assault, criminal force and intimidation.

3. Any act of assault, criminal force and intimidation to a medical and health service professional during or incidental to the discharge of his lawful duties relating to medical and healthcare delivery within premises of any medical and service institution or in a mobile clinic or in an ambulance shall be deemed to be an offence punishable under this Act.

Punishment.

4. Whoever voluntarily commits any act in contravention of the provisions of section 3 shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend up to seven years and/or with fine which may extend up to fifty thousand rupees.

Offence to be non-bailable. Cognizance of offence.

5. Any offence committed under this Act shall be a non-bailable offence.

6. No court inferior to that of a Court of Judicial Magistrate of the first class shall try any offence under this Act.

7. 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 to any other law.

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

Power to remove difficulties.

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

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

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

Act to have overriding effect.

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.

Act to supplement other laws.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

A Doctor is considered equivalent to God as provider of second life to the dying person, but he is also a human being. Many times the relatives, attendants or friends of a patient assault and/or use criminal force against medical and health service professionals for delay in attending patient or other petty reasons intimidate medical and health service professionals to face severe consequences, if they fail in curing the patient from illness. Every day such incidents of assault, using criminal force or intimidation against medical and health service professionals take place in many Government hospitals, private hospitals, clinics and nursing homes, etc.

At present there is no legislation to curb the acts of assault, use of criminal force or intimidation against medical and health service professionals in medical or service institutions, etc.

In the wake of repetitive incidents of assault, criminal force or intimidation against medical and health service professionals, it is the need of hour to enact a specific legislation for protection of medical and other healthcare service persons from any form of assault, criminal force or intimidation by any person and making such acts as a punishable offence, so as to create a deterrence among offenders.

NEW DELHI;
July 9, 2025.

PRASHANT YADAORAO PADOLE

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 118 of 2025*A Bill to amend the Mental Healthcare Act, 2017.*

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

1. (1) This Act may be called the Mental Healthcare (Amendment) Act, 2025.

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.

10 of 2017. 2. After section 31 of the Mental Healthcare Act, 2017, the following section shall be inserted, namely:—

Insertion of new
section 31A.

“31A. (1) The appropriate Government shall,

(a) conduct mental healthcare awareness programmes in educational institutions and private coaching centres under its jurisdiction;

(b) ensure that every student, enrolled in an educational institution and private coaching centres for more than six months period of time, undertake mental healthcare sessions compulsorily; and

Appropriate
Government to
take measures
in Educational
Institutions
and Private
Coaching
Centres
for mental
healthcare.

(c) ensure that all the teachers, prior to their appointment, undergo mental healthcare training and also undergo annual mental healthcare training thereafter, organized by the appropriate Government and issue certificate on completion of said programme to the teacher:

Provided that if a teacher fails to complete the training programme, he shall complete the training within six months of his joining.

(2) The appropriate Government shall prepare an annual report containing the activities undertaken under sub-section (1) and submit the same to the Central Authority, or the State Authority of State Legislature, as the case may be.

Explanation: For the purpose of this section,—

(a) “educational institution” means a primary or a middle or a secondary or a senior secondary school or a University or a College imparting education to children by whatever name called; and

(b) “private coaching centre” mean any institute or establishment imparting education for admission into any professional course including medical or engineering or technical or for appearing for any examination conducted by appropriate Government for securing employment.

STATEMENT OF OBJECTS AND REASONS

The alarming rise in student suicides in India, which has surged by four per cent. annually over the past decade, surpassing the national average, demands urgent attention. According to a report by the National Crime Records Bureau (NCRB), student suicides increased from 6,654 in 2012 to over 13,000 in 2022. Maharashtra, Tamil Nadu, and Madhya Pradesh contribute to a third of these tragic cases. This increase highlights the growing mental health crisis among students, exacerbated by competitive academic environments, particularly in coaching centers like Kota.

Despite the Mental Healthcare Act of 2017 decriminalizing suicide attempts, underreporting remains a significant issue, especially in rural areas. The need is to address these concerns by creating a robust mental health support system in educational institutions. By ensuring mandatory mental health training for teachers in educational institutions, we aim to foster a supportive student environment.

The Bill intends to integrate mental health awareness into coaching centers, where academic pressure is intense. Regular reporting will help maintain oversight, and the structured mental health framework will safeguard the well-being of students.

With a fifty per cent. increase in male student suicides and a staggering 61 per cent. increase in female student suicides over the last decade, this Bill is crucial in addressing this epidemic. It ensures that mental health is not overlooked in educational settings but is actively integrated into the holistic development of students.

Hence this Bill.

NEW DELHI;
July 9, 2025.

BALWANT BASWANT WANKHADE

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed insertion section 31A provides for conduct of mental health awareness programmes in educational institutions and private coaching centres by appropriate Government. It also provides for mental health training of teachers teaching in these institutions. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this juncture, it is difficult to estimate the actual expenditure likely to be involved. However, it is estimated that a recurring expenditure of about rupees Three hundred and sixty two crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees One hundred and eighty seven crore is also likely to be involved.

Bill No. 80 of 2025

*A Bill to provide for the formation within the State of Assam of an
autonomous State to be known as Karbi Dimanchal
and for matters connected therewith
or incidental thereto.*

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

PART I**PRELIMINARY**

1.(1) This Act may be called the Assam Reorganisation (Karbi Dimanchal) Act, 2025.

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:

Provided that the different dates may be appointed for different provisions of this Act.

Definitions.

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

(a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint for the formation of Autonomous State;

(b) “article” means an article of the Constitution;

(c) “autonomous State” means the Autonomous State of Karbi Dimanchal formed under section 3;

(d) “constituency” means a territorial constituency provided by order made under section 12 for the purpose of election to the Legislative Assembly;

(e) “Election Commission” means the Election Commission appointed by the President under Article 324;

(f) “Governor” means the Governor of Assam exercising his functions as Governor in relation to Karbi Dimanchal by virtue of this Act;

(g) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument, having immediately before the appointed day, the force of law in the whole or in any part of the Autonomous State;

(h) “Legislative Assembly” means the Legislative Assembly of Karbi Dimanchal;

(i) “Karbi Dimanchal” means the autonomous State referred to in Section 3;

(j) “member” means a member of the Legislative Assembly;

(k) “Official Gazette” means the Official Gazette of Karbi Dimanchal or the Gazette of India; and

(l) “prescribed” means prescribed by rules made under this Act.

PART II

FORMATION OF THE AUTONOMOUS STATE OF KARBI DIMANCHAL

Formation
of Karbi
Dimanchal.

3. On and from the appointed day, there shall be formed within the State of Assam an Autonomous State to be known as Karbi Dimanchal which shall, subject to the provisions of Part I in the Table appended to Paragraph 20 of the Sixth Schedule, comprising the following Tribal areas namely:—

(i) the North Cachar Hills District (now Dima Hasao Autonomous District);
and

(ii) the Karbi Anglong District.

Executive
Power
of Karbi
Dimanchal.

4. (1) The Executive power of Karbi Dimanchal shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Act.

(2) Nothing this section shall,—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State of Assam or Karbi Dimanchal from conferring by law functions on any authority subordinate to the Governor.

5.(1) Subject to the provisions of this Act, the executive power of Karbi Dimanchal shall extend to the matters with respect to which the Legislature of Karbi Dimanchal has power to make laws:

Extent of
Executive
Power
of Karbi
Dimanchal.

Provided that in any matter with respect to which the Legislature of Karbi Dimanchal, the Legislature of the State of Assam and Parliament have power to make laws, the executive power of Karbi Dimanchal shall be subject to, and limited by, the executive power expressly conferred by this Act or by any law made by Parliament upon the Union or the State of Assam or the authorities thereof or, as the case may be, by the Legislature of the State of Assam upon the State of Assam or authorities thereof.

(2) On and from the appointed day, the executive of the State of Assam shall not extend, in relation to Karbi Dimanchal, to the matters with respect to which the Legislature of Karbi Dimanchal has executive power to make laws under this Act.

(3) For the removal of doubts, it is hereby declared that, save as otherwise provided in this Act, the executive power of the State of Assam shall, in relation to Karbi Dimanchal, continue to extend to the matters with respect to which the Legislature of Karbi Dimanchal has no power to make laws.

6.(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions in relation to Karbi Dimanchal.

Council of
Ministers.

(2) The question whether any, and if so, what, advice was tendered by Minister to the Governor shall not be inquired into in any court.

7.(1) The Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

Other
provisions as
to Ministers.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the form set out for this purpose in the First Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of the Ministers shall be such as the Legislature of Karbi Dimanchal may from time to time by law determine and, until the Legislature so determines, shall be determined by the Governor.

8.(1) The Governor may, if he thinks fit to do so, appoint a person who is qualified to be appointed a Judge of a High Court to be Advocate-General for Karbi Dimanchal.

Advocate-
General
for Karbi
Dimanchal.

(2) It shall be the duty of the Advocate-General to give advice to the Government of Karbi Dimanchal upon such legal matters, and to perform such other duties of a legal character as may, from time to time, be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Act or any other law for the time being in force.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

Conduct of
Business.

9.(1) All executive action of the Government of Karbi Dimanchal shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of Karbi Dimanchal and for the allocation among Ministers of the said business.

Duties of
Chief Minister
as respects the
furnishing of
information to
Governor, etc.

10. It shall be the duty of the Chief Minister of Karbi Dimanchal—

(a) to communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of Karbi Dimanchal and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of Karbi Dimanchal and proposals for legislation as the Governor may call for; and

(c) if the Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

PART III

THE LEGISLATURE

GENERAL

Constitution of
the Legislature
of Karbi
Dimanchal.

11. (1) There shall be a Legislature for Karbi Dimanchal which shall consist of the Governor and the Legislative Assembly.

(2) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from constituencies in Karbi Dimanchal shall be fixed by the Central Government by notification in the Official Gazette after consultation with the Election Commission, but shall not be less than fifty four:

Provided that all the seats of Legislative Assembly shall be reserved for persons belonging to the Scheduled Tribes.

(3) The existing twenty six Missing Autonomous Council (MAC) Constituencies of Autonomous Hills District of Karbi Anglong and twenty eight MAC Constituencies of Autonomous Hills District of Dima Hasao shall be the Legislative Assembly Constituencies of the Karbi Dimanchal Autonomous State.

(4) The Governor may, if he is of opinion that any unrepresented communities in Karbi Dimanchal need representation in the Legislative Assembly and are not adequately represented therein, nominate not more than three members of such communities, not being persons in the service of the Government, to the Legislative Assembly.

12. (1) The Election Commission shall, in the manner herein provided, distribute the total number of seats in the Legislative Assembly as fixed under sub-section (2) of section 11 to single member constituencies and delimit them on the basis of the latest census figures having regard to the following provisions, namely:—

Delimitation of
Constituencies.

(a) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to the physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every constituency shall be so delimited as to fall only within an Assembly constituency of the Legislative Assembly of the State of Assam; and

(c) the population of each constituency shall, as far as practicable, be the same throughout Karbi Dimanchal.

(2) For the purpose of assisting the Election Commission in the performance of its functions under this section, the Commission shall associate with itself such number of associate members not exceeding five as the Governor may nominate to represent Karbi Dimanchal:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled as soon as may be practicable by the Governor in accordance with the provisions of sub-section (2).

(4) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further consider by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration hold one or more public sittings at such place or places as it may think fit; and

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of the constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order shall be laid before the Legislative Assembly.

(6) Upon the completion of each census, the total number of seats in the Legislative Assembly and the division of Karbi Dimanchal into territorial constituencies shall be readjusted by such authority and in such manner as parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

Explanation.— In this section “latest census figures” mean the census figures with respect to Karbi Dimanchal ascertainable from the latest census of which the finally published figures are available.

Power of
Election
Commission
to maintain
delimitation
orders up-to-
date.

13. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under section 12 or any error arising therein from inadvertent slip or omission; and

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly.

Electors and
electoral rolls.

14. (1) The persons entitled to vote at an election of members shall be the persons entitled by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered as voters at elections to the House of people.

(2) The electoral roll for every constituency shall consist of so much of the electoral roll for an Assembly constituency of the Legislative Assembly of the State of Assam as relates to the areas comprised within each such Constituency and it shall not be necessary to prepare or revise separately the electoral roll for any such constituency.

Right to vote.

15. Every person, whose name is for the time being entered in the electoral roll for a constituency, shall be entitled to vote at the election of a member from that constituency.

Qualification
for
Membership.

16. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he,—

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;

(b) is not less than twenty-five years of age; and

(c) is an elector in any constituency in Karbi Dimanchal.

Election to the
Legislative
Assembly.

17. The provisions of Part I, Chapter III and IV of Part II and Part III to XI of the Representation of the People Act, 1951, and of any rules and orders made thereunder for the time being in force, shall apply to and in relation to the elections to the Legislative Assembly of Karbi Dimanchal as they apply to and in relation to an election to the legislative Assembly of a State, subject to such modifications as the President may, after consultation with the Election Commission, by order, direct.

18. The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Legislative Assembly:

Duration of the Legislative Assembly.

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

19. (1) The Governor shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Sessions of Legislative Assembly, prorogation and dissolution.

(2) The Governor may, from time to time,—

(a) prorogue the Legislative Assembly; and

(b) dissolve the Legislative Assembly.

20. (1) The Governor may address the Legislative Assembly and may for that purpose require the attendance of members.

Right of Governor to address and send messages to Legislative Assembly.

(2) The Governor may send messages to the Legislative Assembly, whether with respect to a Bill then pending in the Legislative Assembly or otherwise and when a message is so sent, the Legislative Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

21. (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly and inform the Assembly of the causes of its summons.

Special address by the Governor.

(2) Provision shall be made by the rules regulating the procedure of the Legislative Assembly for the allotment of time for discussion of the matters referred to in such address.

22. Every Minister and the Advocate-General for Karbi Dimanchal shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

Rights of Ministers as respects Legislative Assembly.

OFFICERS OF THE LEGISLATIVE ASSEMBLY

23. (1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

Speaker and Deputy Speaker of Legislative Assembly.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly,—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and

(c) may be removed from his office by a resolution of the Legislative Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Legislative Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is also vacant, by such member of the Legislative Assembly as the Governor may appoint for the purpose.

(4) During the absence of the Speaker from any sitting of the Legislative Assembly, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Assembly, or, if no such person is present, such other person as may be determined by the Legislative Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislature of Karbi Dimanchal by law and, until provision in that behalf is so made, such salaries and allowances as the Governor may, by order, determine.

Speaker and Deputy Speaker not to preside while a resolution for his removal from office is under consideration.

24. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or, while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 23 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Legislative Assembly and shall, notwithstanding anything in section 27, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

Secretariat of Legislative Assembly.

25. (1) The Legislative Assembly shall have a separate secretarial staff.

(2) The Legislature of Karbi Dimanchal may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly.

(3) Until provision is made by the Legislature of Karbi Dimanchal under sub-section (2), the Governor may, after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly, and any rules so made shall have effect subject to the provisions of any law made under and said sub-section.

Public Service Commission.

26. The Karbi Dimanchal Autonomous State shall have its own department of personnel administration and as such shall have own service cadre and shall be known as "Karbi Dimanchal Public Service Commission".

27. The Karbi Dimanchal Autonomous State shall have its own police cadre to be known as Karbi Dimanchal Police Cadre which shall be recruited by the Karbi Dimanchal Public Service Commission.

Police Cadre.

CONDUCT OF BUSINESS

28. Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

Oath or Affirmation by Members.

29. (1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) Until the Legislature of Karbi Dimanchal by law otherwise provides, the quorum to constitute a meeting of the Legislative Assembly shall be ten members.

(5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or suspend the meeting until there is a quorum.

DISQUALIFICATIONS OF MEMBERS

30. (1) No person shall be a member of Parliament or of the Legislative Assembly of the State of Assam and also of the Legislative Assembly of Karbi Dimanchal, and if a person is chosen a Member of Parliament or of the Legislative Assembly of Assam and also of the Legislative Assembly of Karbi Dimanchal, then, at the expiration of such period, as may be specified in rules made by the President, that person's seat in Parliament or, as the case may be, in the Legislative Assembly of Assam shall become vacant unless he has previously resigned his seat in the Legislative Assembly of Karbi Dimanchal.

Vacation of seats.

(2) If a member of the Legislative Assembly,—

(a) becomes subject to any of the disqualifications mentioned in section 31, or

(b) resigns his seat by writing under his hand addressed to the Speaker, his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly is, without permission of the Legislative Assembly, absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Legislative Assembly is prorogued or is adjourned for more than four consecutive days.

Disqualifications
for
membership.

31. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly—

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of Karbi Dimanchal other than an office declared by the Legislature of Karbi Dimanchal by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State; and

(e) if he is so disqualified by or under any of the provisions of Chapter III of Part II of the Representation of the People Act, 1951, as applied to and in relation to the Legislative Assembly by section 17.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of Karbi Dimanchal by reason only, that he is a Minister either for the Union or for such State or for Karbi Dimanchal.

(3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the Governor and his decision shall be final.

(4) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

Penalty for
sitting and
voting before
making an oath
or affirmation
or when not
qualified or when
disqualified.

32. If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of section 28, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of Karbi Dimanchal, he shall be liable in respect of each day on which he so sits or votes, to a penalty of five hundred rupees to be recovered as a debt due to Karbi Dimanchal.

Powers,
privileges, etc.
of members.

33. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislature of Karbi Dimanchal, there shall be freedom of speech in the Legislative Assembly of Karbi Dimanchal.

(2) No member of the Legislative Assembly of Karbi Dimanchal shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as may from time to time be defined by the Legislature of Karbi Dimanchal by law, and until so defined, shall be those for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-section (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, or otherwise to take

part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly.

34. Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of Karbi Dimanchal by law and, until provision in that respect is so made, such salaries and allowances as the Governor may, by order, determine.

Salaries and allowances of members.

LEGISLATIVE POWERS AND PROCEDURE

35. (1) Subject to the provisions of this Act, the Legislature of Karbi Dimanchal has exclusive power to make laws for Karbi Dimanchal or any part thereof with respect to any of the matters enumerated in Part A or Part B of the Second Schedule.

Extent of legislative power.

(2) Subject to the provisions of this Act, the Legislature of Karbi Dimanchal and the Legislature of State of Assam also shall have power to make laws for Karbi Dimanchal or any part thereof with respect to any of the matters enumerated in Part C of the Second Schedule.

(3) For the removal of doubts it is hereby declared that nothing in sub-section (1) or sub-section (2) shall derogate from the powers conferred by the Constitution—

(a) on Parliament to make laws for the whole or any part of the State of Assam, including Karbi Dimanchal, with respect to any of the matters enumerated in the Second Schedule; or

(b) on the Legislature of the State of Assam to make laws for the whole or any part of Assam, including Karbi Dimanchal, with respect to any of the matters enumerated in List II or List III in the Seventh Schedule to the Constitution, except in so far as any of the matters aforesaid falls within sub-section (1).

36. (1) The property of the Union shall, save in so far as Parliament may, by law, otherwise provide, be exempt from all taxes imposed by Karbi Dimanchal or by any authority within Karbi Dimanchal.

Exemption from taxation of properties of the Union and the State of Assam and of certain vehicles registered in Assam or Karbi Dimanchal.

(2) Nothing in sub-section (1) shall, until Parliament by law otherwise provides, prevent any authority within Karbi Dimanchal from levying any tax on any property of the Union to which such property was immediately before the commencement of this Act liable or treated as liable so long as that tax continues to be levied in Karbi Dimanchal.

(3) The property of the State of Assam shall, so long as the property of Karbi Dimanchal in the rest of Assam is exempt from taxes imposed by the Government of Assam or by any authority within the State of Assam, be exempt from all taxes imposed by Karbi Dimanchal or by any authority within Karbi Dimanchal.

(4) No vehicle registered at any place in the State of Assam, not being a place in Karbi Dimanchal, and transiting through Karbi Dimanchal shall be liable to any tax under any law enacted by the Legislature of Karbi Dimanchal so long as any vehicle registered at any place in Karbi Dimanchal and transiting through the territory of Assam (not comprised in Karbi Dimanchal) is exempt from payment of any tax under any law enacted by the Legislature of the State of Assam.

37. (1) If any provision of a law made by the Legislature of Karbi Dimanchal is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the

Inconsistency between laws made by Parliament and laws made by the legislature of Karbi Dimanchal.

Constitution, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislature of Karbi Dimanchal, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Karbi Dimanchal shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of Karbi Dimanchal with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, which the Legislature of Karbi Dimanchal is competent to enact under this Act contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of Karbi Dimanchal shall, if it has been reserved for the consideration of the President and has received his assent, prevail in Karbi Dimanchal:

Provided that nothing in this sub-section shall prevent Parliament from enacting at any time any law with respect to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of Karbi Dimanchal.

Inconsistency between laws made by the legislature of the State of Assam and laws made by the legislature of Karbi Dimanchal.

38. Where a law made by the Legislature of Karbi Dimanchal with respect to one of the matters enumerated in Part C of the Second Schedule contains any provision repugnant to the provision of an earlier law made by the Legislature of the State of Assam which that Legislature is competent to enact, or to any provision of any existing law with respect to that matter, then, the law so made by the Legislature of Karbi Dimanchal shall, to the extent of the repugnancy, be void unless the law has received assent under section 41 after the Governor has obtained the advice of the Chief Minister of Assam:

Provided that nothing contained in this section shall prevent the Legislature of the State of Assam from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of Karbi Dimanchal.

Explanation 1.—In this section and in sections 37 and 61, “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the appointed day by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation.

Explanation 2.— In this section and in sections 41 and 52, the reference to the advice of the Chief Minister of Assam shall, while a Proclamation issued in relation to the State of Assam under clause (1) of article 356 of the Constitution is in operation, be construed as a reference to the instructions from the President.

Special provisions as to financial Bill.

39. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendation of the Governor if such Bill or amendment makes provisions dealing with any of the following matters, namely:—

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by Karbi Dimanchal, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by Karbi Dimanchal;

(c) the custody of the Consolidated Fund or the Contingency Fund of Karbi Dimanchal, the payment of moneys into, or withdrawal of moneys from, any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of Karbi Dimanchal or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of Karbi Dimanchal or the public account of Karbi Dimanchal or the custody or issue of such money:

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters specified in sub-section (1) by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees of licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill, which if enacted and brought into operation, would involve expenditure from the Consolidated Fund of Karbi Dimanchal, shall not be passed by the Legislative Assembly unless the Governor has recommended to the Assembly for the consideration of the Bill.

40. A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly, but shall lapse on a dissolution thereof.

Procedure as to
lapsing of Bills.

41. When a Bill has been passed by the Legislative Assembly, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Assent to
Bills.

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Legislative Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Legislative Assembly shall reconsider the Bill accordingly, and if the Bill is passed again by the Assembly with or without amendment and presented to the Governor for assent, the Governor shall not—

(a) give assent in the case of a Bill containing provisions of the nature referred to in section 38 except after obtaining the advice of the Chief Minister of Assam; and

(b) withhold assent in the case of any other Bill.

Explanation.—For the purposes of this section and section 42, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 39 or any matter incidental to any of those matters and there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill:

Provided that a Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration, or regulation of any tax by any local authority or body for local purposes.

Bills reserved for consideration.

42. When a Bill is reserved by the Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the Legislative Assembly together with such a message as is referred to in section 41, and when a Bill is so returned, the Legislative Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message, and if it is again passed by the Legislative Assembly with or without amendment, it shall be presented again to the President for his consideration.

Requirements as to sanction and recommendation to be regarded as matters of procedure only.

43. No Act of the Legislature of Karbi Dimanchal and no provision in any such Act shall be invalid by reason only that some recommendation or previous sanction required by the Constitution or this Act was not given, if assent to that Act was given—

(a) where the recommendation required was that of the Governor, either by the Governor or by the President; and

(b) where the recommendation or previous sanction required was that of the President, by the President.

PROCEDURE IN FINANCIAL MATTERS

Annual financial statement.

44. (1) The Governor shall in respect of every financial year cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of Karbi Dimanchal for that year, hereinafter referred to as “the annual financial statement”.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of Karbi Dimanchal; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of Karbi Dimanchal, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged upon the Consolidated Fund of Karbi Dimanchal—

(a) the salaries and allowances of the Speaker and Deputy Speaker of the Legislative Assembly;

(b) debt charges for which the Autonomous State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(c) any sums required to satisfy any judgement, decree or award of any Court or arbitral tribunal; and

(d) any other expenditure declared by the Constitution or by the Legislature of Karbi Dimanchal to be so charged.

45. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of Karbi Dimanchal shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the legislative Assembly of any of those estimates.

Procedure in Legislative Assembly with respect to estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

46. (1) As soon as may be after the grants under section 43 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of Karbi Dimanchal of all moneys required to meet—

Appropriation Bills.

(a) the grants so made by the legislative Assembly; and

(b) the expenditure charged on the Consolidated Fund of Karbi Dimanchal, but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of Karbi Dimanchal, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the provisions of sections 47 and 48, no money shall be withdrawn from the Consolidated Fund of Karbi Dimanchal except under appropriation made by law passed in accordance with the provisions of this section.

47. (1) The Governor Shall,—

Supplementary, additional or excess grants.

(a) if the amount authorised by any law made in accordance with the provisions of section 46 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for the year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for the year,

cause to be laid before the Legislative Assembly another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly a demand for such excess, as the case may be.

(2) The provisions of sections 44, 45 and 46 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal to meet such expenditure or the grant in respect of such demand as

they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal to meet such expenditure or grant.

Votes on account and exceptional grant.

48. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 45 for the voting of such grant and the passing of the law in accordance with the provisions of section 44 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of the autonomous State when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement; and

(c) to make an exceptional grant which forms no part of the current service of any financial year; and the Legislature of Karbi Dimanchal shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of Karbi Dimanchal for the purpose for which the said grants are made.

(2) The provisions of sections 45 and 46 shall have effect in relation to the making of any grant under sub-section (1) and to any law to be made under that sub-section, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal to meet such expenditure.

PROCEDURE GENERALLY

Rules of procedure.

49. (1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business including the language or languages to be used in the Legislative Assembly.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Assam in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Governor.

Restrictions on discussion in the Legislative Assembly.

50. No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court, or of a High Court, in the discharge of his duties.

Courts not to enquire into the proceedings of Legislative Assembly.

51. (1) The validity of any proceeding in the Legislative Assembly shall not to be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

LEGISLATIVE POWERS OF THE GOVERNOR

52. (1) If at any time, except when the Legislative Assembly is in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Power of Governor to promulgate ordinances during recess of Legislative Assembly.

Provided that the Governor shall not without instructions from the President, promulgate any such Ordinance, if—

(a) a Bill containing the same provisions would under the Constitution or this Act have required the previous sanction of the President for the introduction thereof into the Legislative Assembly of Karbi Dimanchal; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of Karbi Dimanchal containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President:

Provided further that the Governor shall not, except on the advice of the Chief Minister of Assam, promulgate any such Ordinance if with respect to a Bill containing the same provisions he would have deemed it necessary under this Act to obtain the advice of the Chief Minister before assenting thereto.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Legislative Assembly assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the reassembly of the Legislative Assembly or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly, upon the passing of the resolution; and

(b) may be withdrawn at any time by the Governor.

(3) If and so far as an Ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature of Karbi Dimanchal assented to by the Governor, it shall be void:

Provided that—

(a) for the purposes of section 37 relating to the effect of an Act of the Legislature of Karbi Dimanchal which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution, an Ordinance promulgated under this section in pursuance of instructions from the President shall be deemed to be an Act of the Legislature which has been reserved for the consideration of the President and assented to by him;

(b) for the purposes of section 38 relating to the effect of an Act of the Legislature of Karbi Dimanchal which is repugnant to an Act of the Legislature of the State of Assam or an existing law with respect to a matter enumerated in Part C of the Second Schedule, an Ordinance promulgated under this section on the advice of the Chief Minister of Assam shall be deemed to be an Act of the Legislature which has been assented to on the advice of the Chief Minister.

PART IV

FINANCIAL PROVISIONS

Consolidated
Fund.

53. (1) Subject to the provisions of section 54, all revenue received by the Government of Karbi Dimanchal, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of Karbi Dimanchal”.

(2) All other public moneys received by or on behalf of the Government of Karbi Dimanchal shall be credited to the public account of Karbi Dimanchal.

(3) No moneys out of the Consolidated Fund of Karbi Dimanchal shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Act.

Contingency
Fund.

54. The Legislature of Karbi Dimanchal may, by law, establish a Contingency Fund in the nature of an imprest to be entitled “the Contingency Fund of Karbi Dimanchal” into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of Karbi Dimanchal by law under section 47 or section 48.

Custody
of suitors’
deposits and
other moneys
received by
public servants
and courts.

55. All moneys received by or deposited with—

(a) any officer employed in connection with the affairs of Karbi Dimanchal in his capacity as such, other than revenues or public moneys raised or received by the Government of Karbi Dimanchal, or

(b) any court within Karbi Dimanchal to the credit of any cause, matter, account or persons,

shall be paid into the public account of Karbi Dimanchal.

Custody, etc.,
of Consolidated
Fund,
Contingency
Fund and
moneys credited
to the public
accounts.

56. The custody of the Consolidated Fund and the Contingency Fund of Karbi Dimanchal, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of Karbi Dimanchal, their payment into the public account of Karbi Dimanchal and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of Karbi Dimanchal, and, until provision in that behalf is so made, shall be regulated by rules made by the Governor.

Certain taxes
levied by
Assam to be
appropriated
by Karbi
Dimanchal.

57. (1) Notwithstanding anything contained in this Act, any tax on the consumption or sale of electricity relatable to entry 53 in the State List in the Seventh Schedule to the Constitution, and any tax on the sale or purchase of goods relatable to entry 54 in the said List levied by the Government of Assam shall be collected within Karbi Dimanchal, and the proceeds in any financial year of any such tax leviable within Karbi Dimanchal shall not form part of the Consolidated Fund of Assam, but shall form part of the Consolidated Fund of Karbi Dimanchal.

(2) Where a tax relatable to entry 54 in the State List aforesaid levied by the Government of Assam is collected by that Government at the first point of sale or purchase of goods, such portion of the tax so collected as may be agreed upon by the Governments of Assam and Karbi Dimanchal or in default of such agreement, as the Central Government may determine shall be payable to Karbi Dimanchal.

(3) The laws with respect to the taxes referred to in sub-section (1) shall have effect subject to such exceptions and modifications as the Central Government, may, by order, specify for the purpose of giving effect to the provisions of that sub-section.

58. (1) The grants-in-aid under clause (1) of article 275 and the share of the taxes on income, the distributable Union duties of excise, the additional duties of excise on goods of special importance and estate duty payable to the State of Assam under the Constitution (Distribution of Revenues) Order, 1969, the Union 'Duties of Excise (Distribution) Act, 1962, the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Estate Duty (Distribution) Act, 1962, shall be construed, as from the appointed day, as payable to the State of Assam and the Autonomous State of Karbi Dimanchal in such proportion as the President may, by order, determine.

Distribution of revenues.

(2) Every order made by the President under sub-section (1) shall be laid before Parliament as soon as may be after it is made.

59. The Governor may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of Karbi Dimanchal as he deems necessary for a period of not more than six months beginning with the appointed day pending the sanction of that expenditure by the Legislative Assembly:

Authorisation of expenditure pending its sanction by Legislative Assembly.

Provided that the Governor may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of Karbi Dimanchal for any period not extending beyond the said period of six months.

PART V

ASSETS AND LIABILITIES

60. The assets and liabilities of the State of Assam immediately before the appointed day shall be apportioned between that State and Karbi Dimanchal in accordance with the provisions contained in the Third Schedule.

Apportionment of assets and liabilities.

PART VI

ADMINISTRATIVE RELATIONS

61. The executive power of Karbi Dimanchal shall be so exercised as to ensure compliance with the laws made by Parliament, the Legislature of the State of Assam and any existing laws which apply in Karbi Dimanchal, and the executive power of the Union and of the State of Assam shall extend to the giving of such directions to Karbi Dimanchal as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

Obligation of Karbi Dimanchal, the State of Assam and the Union.

62. The executive power of Karbi Dimanchal shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union or the Government of Assam, as the case may be, and the executive power of the Union and the State of Assam shall extend to the giving of such directions to Karbi Dimanchal as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

Control over the autonomous State in certain cases.

63. Notwithstanding anything in this Act,—

Entrustment of functions.

(a) The Government of Assam may, with the consent of the Government of Karbi Dimanchal, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State of Assam extends;

(b) the Government of Karbi Dimanchal may, with the consent of the Government of Assam, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of Karbi Dimanchal extends.

PART VII

TRANSITIONAL PROVISIONS

Provisions as
to provisional
Legislative
Assembly.

64. (1) Until the Legislative Assembly of Karbi Dimanchal has been duly constituted and summoned to meet for the first session under the provisions of Part III, there shall be a Provisional Legislative Assembly which shall consist of not less than thirty five and not more than fifty five persons as the Central Government may, after consultation with the Election Commission, by order, determine, and such persons shall be elected in the manner specified in sub-section (2).

(2) Subject to the provisions of sub-section (1), the members of the Provisional Legislative Assembly shall be elected in the following manner, namely—

(a) there shall be an electoral college for each autonomous district within Karbi Dimanchal which shall consist of the elected members of the District Council thereof, and each electoral college shall elect such number of persons to the Provisional Legislative Assembly as the President may, after consultation with the Election Commission, by order, determine;

(b) the election of members of the Provisional Legislative Assembly shall be in accordance with the system of proportional representation by means of the single transferable vote and shall be subject to such rules as the Central Government may, after consultation with the Election Commission, make in this behalf.

(3) The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government to represent any unrepresented communities in Karbi Dimanchal which, in its opinion, need representation in the Assembly.

(4) No person shall be qualified to be chosen as a member of the Provisional Legislative Assembly unless he is a person whose name is for the time being entered in the electoral roll for so much of any constituency of the Legislative Assembly of Assam as is comprised within Karbi Dimanchal and is not less than twenty-five years of age.

(5) If owing to death, resignation or otherwise, the office of a member of the Provisional Legislative Assembly falls vacant, it may be filled up as soon as practicable under and in accordance with the foregoing provisions of this section.

(6) The term of office of the members of the Provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted under this Act.

(7) The election by the electoral college under this section shall not be called in question on the ground merely of the existence of a vacancy in the membership of any District Council forming part of the electoral college.

(8) The Provisional Legislative Assembly constituted under this section shall, for so long it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act, and accordingly the provisions of Part-III shall, so far as may be, apply in relation to the Provisional Legislative Assembly as they apply in relation to the Legislative Assembly.

PART VIII

MISCELLANEOUS PROVISIONS

65. The Central Government may, in consultation with the Governments of Assam and Karbi Dimanchal, by order, constitute a committee consisting of such number of persons as it may think fit for advising the two Governments on matters of common interest with respect to Diphu and Haflong in the field of education and water supply in particular, and with respect to its development and administration in general.

Special committee for development of Diphu and Haflong.

66. All courts and tribunals and all authorities discharging lawful functions throughout Karbi Dimanchal or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent authority, continue to exercise their respective functions.

Provisions as to continuance of courts.

67. (1) Every person who being a member of All India Service is for the time being borne on the Assam State Cadre of that service or is otherwise serving in connection with the affairs of the State of Assam as a member of Class I service of that State may be required by the Government of that State to serve in connection with the affairs of Karbi Dimanchal for such period or periods as the Government of Assam may, by order, direct:

Provisions relating to services.

Provided that no such order shall be made—

(a) before the appointed day, except with the approval of the Central Government; and

(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Karbi Dimanchal.

(2) Subject to any general or special order which the Central Government may make in this behalf, the control over any such person as is referred to in sub-section (1) shall, for so long as he is required to serve in connection with the affairs of Karbi Dimanchal, be vested in the Government of Karbi Dimanchal.

(3) Such persons serving in connection with the affairs of the State of Assam immediately before the appointed day, not being a person referred to in sub-section (1), as may be determined by agreement between the Government of Assam and the Government of Karbi Dimanchal or in default of agreement, by the Central Government, may, notwithstanding anything in the terms of their appointments or their conditions of service, be required to serve in connection with the affairs of the Autonomous State.

(4) All previous service rendered by a person referred to in sub-section (3) in connection with the affairs of the State of Assam shall be deemed to have been rendered in connection with the affairs of the Autonomous State for the purposes of the rules regulating his conditions of service.

(5) Nothing in sub-sections (3) and (4) shall be deemed to affect the power of the Legislature of Karbi Dimanchal or the Governor to determine the conditions of service of persons serving in connection with the affairs of Karbi Dimanchal:

Provided that the conditions of service applicable immediately before the appointed day to any person referred to in sub-section (3) shall not be varied to his disadvantage except with the previous approval of the Government of Assam.

Continuance of existing laws and their adaptations.

68. (1) All laws in force immediately before the appointed day in the Autonomous State shall continue to be in force therein until altered, repealed or amended by a competent Legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the Autonomous State of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations or modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.— In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, as respects any law relating to a matter in the Second Schedule, the Government of Karbi Dimanchal, and, as respects any other law, the Government of Assam.

Autonomous State to be a State for certain purposes of the Constitution.

69. Subject to the other provisions contained in this Act, reference to a State (by whatever form of words) in any of the following articles of the Constitution shall be construed as including a reference to the Autonomous State, namely:

Articles 12 to 15 (inclusive), 16 (except clause (3) thereof), 18, 19, 23, 25, 28 to 31 (inclusive), 31A, 34 to 51 (inclusive), 58, 59, 66, 73, 102, 110 (1) (f), 131, 138, 149, 150, 151, 161, 209, 210, 233, 234, 235, 237, 251, 252, 256 to 258A (inclusive), 261, 262, 263, 268, 269, 270, 272, 274 to 280 (inclusive), 282, 288, 289, 293, 296, 298 to 305 (inclusive), 308 to 311 (inclusive), 320, 323 (2), 324 to 329 (inclusive), 339 to 342 (inclusive), 345 to 348 (inclusive), 350, 350A, 350B, 353, 355 to 358 (inclusive), 360, 361, 364 to 367 (inclusive).

Explanation.— Reference in any of the articles above specified to the High Court or to the State Public Service Commission shall be construed as reference to the High Court of Assam or the Public Service Commission of the State of Assam, as the case may be.

Power of Governments of Assam and Karbi Dimanchal to carry on trade, etc. in Karbi Dimanchal.

70. (1) The executive power which the Government of Assam may exercise under article 298 in Karbi Dimanchal for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of the State of Assam may make laws, be subject to legislation by the Legislature of Karbi Dimanchal.

(2) The executive power which the Government of Karbi Dimanchal may exercise under article 298 in Karbi Dimanchal for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of Karbi Dimanchal may make laws, be subject also to legislation by the Legislature of the State of Assam.

Power to suspend provisions of this act in case of failure of Constitutional machinery.

71. Where a Proclamation is issued under article 356 in respect of Karbi Dimanchal, the President may, by the same Proclamation or a subsequent Proclamation varying it, suspend also, in whole or in part, the operation of any of the provisions of this Act.

72. Without prejudice to the provisions of sections 68 and 73 the Central Government may, after consulting the Government of Assam by notification in the Official Gazette, declare that any reference to a “State” in a Central Act specified in the notification shall, in its application to Karbi Dimanchal, be construed as a reference to the whole or any part of Karbi Dimanchal and any reference to “State Government” in a Central Act specified in the notification shall in its application to Karbi Dimanchal be construed as a reference to the Central Government.

Construction of reference to “State” and “State Government” in other laws in relation to Karbi Dimanchal.

73. Notwithstanding that no provision or insufficient provision has been made under section 68 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the Autonomous State, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Power to construe laws.

74. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of provisions of act inconsistent with other laws.

75. (1) If any difficulty arises in giving effect to the provisions of this Act, the President, may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Power to remove difficulties.

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

76. The Sixth Schedule in the Constitution shall stand amended as specified in the Fourth Schedule.

Amendment of the Sixth Schedule. Amendment of Act 2 of 1934.

77. In section 21A of the Reserve Bank of India Act, 1934 in sub-section (1), after words “any State”, the brackets and words “(including the Autonomous State of Karbi Dimanchal)” shall be inserted.

78. In section 16 of the State Reorganisation Act, 1956 in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

Amendment of Act 37 of 1956.

“(d) in the case of the Eastern Zone,—

(i) The Chief Minister and another Minister of the Autonomous State of Karbi Dimanchal to be nominated by the Governor of Assam and if there is no Council of Ministers therein, not more than two members from the Autonomous State of Karbi Dimanchal to be nominated by the President; and

(ii) the person for the time being holding the office of the Adviser to the Governor of Assam for Tribal areas.”

79. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Power to make Rules.

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

STATEMENT OF OBJECTS AND REASONS

Article 244A of the Constitution was inserted by the Constitution (Twenty-Second) Amendment Act, 1969 to enable Parliament to enact a law to give effect to the scheme for reorganisation of the State of Assam by forming within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas, specified in Part-I of the table appended to Paragraph 20 of the Sixth Schedule. The present Bill has been brought forward in pursuance of this article and seeks to establish an autonomous State to be known as 'Karbi Dimanchal Autonomous State' within the State of Assam. As envisaged in the reorganisation scheme, 'Karbi Dimanchal Autonomous State' will comprise the areas now forming part of the Karbi Anglong and North Cachar Hills (now Dima Hasao) as defined in the substantive Part I of Paragraph 20 of the Sixth Schedule. The legislative powers of 'Karbi Dimanchal Autonomous State' have been set out in the Second Schedule to the Bill and subject to the provisions of the Bill, the executive powers of 'Karbi Dimanchal Autonomous State' will extend to matters with respect to which the legislature of 'Karbi Dimanchal Autonomous State', delimitation of constituencies, elections to the Assembly and its procedure, Council of Ministers for 'Karbi Dimanchal Autonomous State', administrative relations between the Government of Assam and 'Karbi Dimanchal Autonomous State' and between the Central Government and the Government of 'Karbi Dimanchal Autonomous State'. Provision has also been made for transferring to 'Karbi Dimanchal Autonomous State' such assets and liabilities of the Assam Government in the 'Karbi Dimanchal Autonomous State' area as are relatable to matters which fall within the purview of the Autonomous State.

Provision has also been made in the Bill for the constitution of a provisional legislative Assembly for 'Karbi Dimanchal Autonomous State' pending general elections to the Assembly. In order to dovetail the scheme of the Bill with the main provisions of the Constitution, the Autonomous State will be treated as a State for certain provisions of the Constitution specified in clause 69 of the Bill.

As indicated in the re-organisation scheme, the Fourth Schedule to the Bill contains provisions for the amendment of the Sixth Schedule to the Constitution in order to improve the procedures of the District Councils and make them function effectively.

Hence this Bill.

NEW DELHI;
November 22, 2024.

AMARSING TISSO

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for constitution of Council of Ministers for State of Karbi Dimanchal. Clause 11 provides for constitution of Legislature for State of Karbi Dimanchal. Clauses 7, 23 and 34 provides for payment of salaries and allowances to the Ministers, Speaker and Deputy Speaker and members of the Legislative Assembly. Clause 12 seeks to empower the Election Commission to delimit the territorial constituencies for elections to the Legislative Assembly of Karbi Dimanchal. It also provides for appointment of not more than five associate members to assist the Election Commission in delimiting the constituencies. Clause 17 provides for elections to the Legislative Assembly of Karbi Dimanchal being held in accordance with the provisions of the Representation of the People Act, 1951. Clause 25 provides for a separate secretarial staff for the Legislative Assembly. Clause 64 provides for setting up of a Provisional Legislative Assembly. Clause 60 provides for apportionment of assets and liabilities of the State of Assam insofar as Karbi Dimanchal is concerned. Clause 65 provides for a special Committee for Diphu and Haflong being constituted for advising the two Governments on matters of common interest with respect to Diphu and Haflong. Under clause 69 Karbi Dimanchal is proposed to be treated as State for the purposes of articles 272, 275 and 282. Clause 78 provides for representation of Karbi Dimanchal on the Eastern Zonal Council. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of the State of Karbi Dimanchal and Consolidated Fund of India. At this stage, it is not possible to estimate the expenditure to be incurred from the Consolidated Fund of Karbi Dimanchal as the same may be estimated when the Karbi Dimanchal Government comes into existence. However, it is expected that a recurring expenditure of about rupees five thousand crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Governor to make rules for the more convenient Transaction of Business of the Government of Karbi Dimanchal and for allocation among Ministers of the said business. Clause 25 empowers the Governor to make, after consultation with the Speaker of the Legislative Assembly, rules regulating the recruitment and conditions of service of persons appointed to the Secretarial staff of the Legislative Assembly, pending enactment of law on the subject. Clause 49 empowers the Legislative Assembly of Karbi Dimanchal to make rules for regulating its own procedure and conduct of business. Clause 56 provides for rules regarding the custody, etc., of Consolidated Fund and Contingency Fund of Karbi Dimanchal being made by the Governor pending the enactment of legislation in this behalf. Clause 79 empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 123 of 2025

A Bill to promote the processing and usage of natural fibres in India; to support farmers, artisans, and industries associated with natural fibre production; to encourage environmentally sustainable alternatives to synthetic materials; and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Promotion of the Use of Natural Fibres Act, 2025.

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) “Board” means the Natural Fibre Promotion Board constituted under section 3;

(b) “farmer” means the person involved in cultivation of natural fibres;

(c) “natural fibres” include fibres obtained from plant, animal or mineral sources, including but not limited to jute, coir, hemp, banana fibre, flax, ramie, kenaf, sisal and cotton;

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

(e) “processing unit” means any facility engaged in the treatment, spinning, or manufacturing of products made from natural fibres.

Establishment
of the Natural
Fibre Promotion
Board.

3. (1) The Central Government shall, by notification, constitute a Board to be called the Natural Fibre Promotion Board to implement the provisions of this Act.

(2) The Board shall consist of,—

(a) Chairperson;

(b) representatives from the Union Ministries of Agriculture and Farmers Welfare, Textiles, Environment, Micro, Small and Medium Enterprises and Tribal Affairs as members;

(c) three experts in the fields of natural fibre production or research — members;

(d) two representatives from farmer or artisan cooperatives dealing with natural fibres — members;

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

(3) The Board shall function under the administrative control of the Union Ministry of Textiles.

(4) The salary and allowances payable to and other terms and conditions of service of Chairperson and members other than those appointed under clause (b) of sub-section (2) shall be such as may be prescribed.

Functions of the
Board.

4. The Board shall—

(a) identify and promote areas suitable for cultivation of natural fibres;

(b) facilitate training, research and capacity building for farmers and artisans for cultivation and use of natural fibers;

(c) recommend financial support schemes for small producers and processing units;

(d) coordinate with State Governments to promote and develop natural fibre clusters;

(e) promote public awareness about the environmental benefits of natural fibres; and

(f) suggest policy measures for the substitution of synthetic materials with natural fibres wherever feasible.

Central
Government to
provide Support
and Incentives.

5. The Central Government may, in consultation with the Board, by notification in the official Gazette, frame schemes to provide:

(a) financial assistance for infrastructure established for processing of natural fibers;

(b) incentives for industries using natural fibres; and

(c) financial support for setting up Common Facility Centres (CFCs) for fibre processing.

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

Central Government to provide funds.

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

Power to remove difficulties.

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

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

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

India has a rich history and potential in the use of natural fibres. Natural fibres such as jute, coir, hemp, flax and banana fibre offer biodegradable and renewable alternatives to synthetic materials, contributing to environmental sustainability and rural employment.

Despite their potential, natural fibre industries remain underdeveloped due to lack of support for processing infrastructure and market access. This Bill seeks to promote natural fibres through the establishment of a dedicated Board and policy incentives, thereby supporting rural livelihoods, artisanship and the green economy.

The Bill aims to achieve sustainable development goals and revive traditional sectors in alignment with modern industrial needs.

Hence this Bill.

NEW DELHI;
July 25, 2025.

ANUP SANJAY DHOTRE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Natural Fibre Promotion Board for carrying out purposes of this Act by the Central Government. It further provides for appointment of chairperson and members of the Board. Clause 4 stipulates that the Board shall facilitate training, research and capacity building for farmers and artisans and promote public awareness about the environmental benefits of natural fibres. Clause 5 provides for framing of schemes by the Central Government to promote and facilitate processing units for natural fibres. Clause 6 stipulates that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Board for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees Five hundred crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for implementing the provisions of the Act. The matters in respect of which such rules may be made are matters of procedure and detail, and the delegation of legislative power is of a normal character.

UTPAL KUMAR SINGH,
Secretary General.