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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 23.02.2001:—

BILL No. 152 OF 2000

A Bill to provide for the establishment of a permanent Bench of Supreme Court at Nagpur.

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

1. This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Nagpur) Act, 2000.

Short title.

2. There shall be established a permanent Bench of Supreme Court of India at Nagpur and such number of Judges, as the Chief Justice of India may from time to time determine, shall sit at Nagpur in order to exercise the jurisdiction and power for the time being vested in the Supreme Court in respect of cases arising in the southern, central and western States of the country.

Establishment of a permanent Bench of Supreme Court at Nagpur.

STATEMENT OF OBJECTS AND REASONS

There has been a long standing demand for setting up of a permanent Bench of Supreme Court of India at Nagpur by the lawyers and the litigant public of the western, central and southern States of India. After Delhi, Nagpur is considered as the second capital of the country. It was the capital of Madhya Pradesh till 1956. Geographically, it is situated in the centre of the country. That is why, it is easily accessible from all directions. Establishment of a Bench of Supreme Court will facilitate the people living in western, central and southern States. It was the city from where our national leaders gave the clarion call for the *Satyagrah* during our freedom struggle. Litigants have to travel from western, central and southern States to Delhi even for small relief from the Supreme Court which involves enormous expenses and wastage of time. Since Nagpur is situated at a central location, it will be convenient for the persons living in neighbouring and southern States to reach there without much hardship.

Therefore, in order to minimise the problems of litigant public, it is proposed to establish a Bench of the Supreme Court at Nagpur.

NEW DELHI;

VILAS MUTTEMWAR

June 26, 2000.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of a permanent Bench of the Supreme Court of India at Nagpur. The Bill, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is not possible to estimate, at this stage, the exact amount of expenditure that will be involved.

However, a recurring expenditure of about rupees one crore is likely to be involved.

A non-recurring expenditure of about rupees fifty lakh may be involved for the construction of building of the Court, etc. and appointment of some staff members.

BILL NO. 183 OF 2000

A Bill to provide for compulsory registration of all marriages in the country.

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

- | | |
|--|--|
| 1. (1) This Act may be called the Compulsory Registration of Marriages Act, 2000. | Short title, |
| (2) It shall come into force at once. | commencement |
| (3) It shall apply to all the citizens of the country irrespective of their caste, colour or creed. | and application. |
| 2. Every marriage performed after the commencement of this Act shall be compulsorily registered. | Compulsory registration of marriages. |
| 3. All marriages shall be registered in the office of the competent officer/authority with such particulars as may be prescribed by the State or the Central Government in all rural and urban areas. | Authority for registration of marriage. |
| 4. The bride, bridegroom and their parents shall make a declaration at the time of registration of the marriage in the form of affidavit that they have not violated any provision of any existing law relating to marriage, prohibition of dowry and prohibition of polygamy, applicable to them. | Declaration of the time of registration. |

Duty of
parents, etc.
to registration
and penalty
for failure.

5. (1) It shall be the duty of the bride, bridegroom and their parents or guardians to get the marriage registered within five days of solemnisation of the marriage.

(2) In case the parents or guardians of the bride and the bridegroom fail to apply for the registration within the prescribed time they shall be punished with imprisonment for a term of one month or with fine which shall not be less than one thousand rupees, or with both.

Legal status.

6. Notwithstanding anything contained in any other law for the time being in force, a marriage which is not registered under this Act, shall not be treated as a valid marriage and shall be declared as null and void.

Power to
make rules.

7. The Central or the State Government, as the case may be, may frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There is no record of marriages performed in our country. Many cases of bigamy have been reported in newspapers. Many cases of desertion of women for dowry, etc. have also been reported. These cases are increasing due to non-registration of marriages. A women will have legal recourse once the marriage is registered. The registration of marriages will also check the subsequent marriages without dissolution of earlier marriages.

Hence this Bill.

NEW DELHI;

G.S. BASAVARAJ

November 6, 2000.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL No. 186 OF 2000

A Bill further to amend the Official Languages, Act, 1963.

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

Short title and
commence-
ment.

1. (1) This Act may be called the Official Language (Amendment) Act, 2000.

(2) It shall come into force at once.

Amendment
of section 3.

2. In section 3 of the Official Languages Act, 1963, hereinafter referred to as the Principal Act, for sub-section (4), the following sub-section shall be substituted, namely:— 19 of 1963.

“(4) Without prejudice to the provisions of sub-section (1) or sub-section (2) or sub-section (3), the Central Government:—

(a) may by rules made under section 8, provide for the language or languages to be used for the official purpose of the Union, including the working of any, Ministry, Department, section or office; and

(b) shall, by notification in the official Gazette, direct the use of a language or languages other than English or Hindi language and mentioned in the Eighth Schedule to the Constitution, which is spoken by at least ten percent, of the population of a State or a Union territory as a whole or of a district thereof or of

a municipality, tehsil or taluk of a district, for specified official purposes by Offices, sub-offices, attached offices or undertakings located in the State or Union territory or in the district, municipality, tehsil or taluk thereof, as the case may be,

and in making such rules or notifications, as the case may be, consideration shall be given to the quick and efficient disposal of the official business and the interests of the general public, and, in the case of notifications under clause (b), to the interests of the local population and to the need for effective public contact and public information and in particular, the rules or notification so made shall ensure that persons serving in connection with the affairs of the Union and having proficiency either in Hindi or in the English language may function effectively and that they are not placed at a disadvantage on the ground that they do not have proficiency in both the languages.

3. After section 3 of the Principal Act, the following section shall be inserted, namely:—

Insertion of
new section
3A

“3A. (1) Translation in languages mentioned in the Eighth Schedule to the Constitution shall be published in the official Gazette under the authority of the President—

Authorised
translation of
Central Acts,
etc in
languages
specified in
Eighth
Schedule to
the Constitu-
tion.

(a) of all Central Acts or Ordinances promulgated by the President; and

(b) of all the rules, regulations, orders or byelaws instead under the Constitution and under the Central Acts, or Ordinances.

and such translations shall be deemed to be authoritative text, thereof in the language concerned.

(2) In correspondence with the public, petitions/representations shall be replied to by the Central Ministries, Departments, sections, offices, sub-offices, attached offices or undertakings in the language of the petition/representation, wherever possible.

STATEMENT OF OBJECTS AND REASONS

Central Government has departments, subordinate and attached offices and undertakings located throughout the country. Therefore, in the interest of the local population and for the purposes of effective public contact and public information, it is necessary that in addition to Hindi or English, local language should also be utilized.

The Bill provides that in such places where at least ten percent of the population speak a language or languages mentioned in Eighth Schedule to the Constitution, such language shall also be utilized for specified official purposes. These purposes and the places can be specified by notifications issued from time to time.

The Bill also provides for translations of all Central Acts, ordinances rules, regulations, orders and byelaws in all languages mentioned in Eighth Schedule to the Constitution. There is also a provision that replies to petitions/representations received from public, shall be in the language of the petition/representation, wherever possible.

NEW DELHI;
November 6, 2000.

G.M. BANATWALLA

FINANCIAL MEMORANDUM

Clause 2 of the Bill requires the Central Government to provide in addition to the present requirement of section 3(4) of the Act, for the use of a languages or languages spoken by at least ten percent of the population of a place for a place for official purposes in the Central Government offices and undertakings located at the place. In that case, forms, etc. used in the Central Government offices of such areas will have to be printed in such language. The necessary infrastructure will also have to be provided.

Clause 3 of the Bill provides for translation of all Central Acts, ordinances, etc. in all the languages specified in the Eighth Schedule to the Constitution. It also provides that petitions/representations received from the public shall be replied in the language of the petition/representation, wherever possible.

The Bill, if enacted, will, therefore, involve additional expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees fifteen lakhs.

A non-recurring expenditure of about rupees ten lakhs is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill requires making of rules to provide for the language or languages to be used for the official purposes of the Union.

The matter in respect of which rules may be made is a matter of procedure or detail. The delegation of legislative power is, thus, of a normal character.

BILL NO. 185 OF 2000

A Bill to restrict expenditure on marriages.

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

Short title,
commence-
ment and
application.

1. (1) This Act may be called the Marriage (Restriction on Expenditure) Act, 2000.
(2) It shall come into force at once.
(3) It shall apply to all citizens of India irrespective of their caste, colour or creed.

Restriction
on marriage
expenses.

2. On and from the date of commencement of this Act, no person shall:—
(i) spend more than rupees fifty thousand on the occasion of a marriage;
(ii) arrange decoration, orchestra or display pomp and show on the occasion of a marriage;
(iii) accept any gift, cash or in kind, for himself or for any other person on the occasion of the marriage;
(iv) invite more than twenty five persons in total on the occasion of the marriage;
(v) spend lavishly on food items.

Over-riding
effect.

3. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law rule or regulation in relation to performance of marriage for the time being in force.

Power to
make rules.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Marriages in our country are performed lavishly and lakhs of rupees worth cash and kind exchanges hands between the parents of both bride and the bride-groom. A lot of money is spent on illumination and tents which nearly cost from rupees sixty thousand to rupees one lakh. The feast, catering and entertainment requires much more money. This lavish spending on marriages has become competitive and its effect on poor people is causing great burden. In order to meet huge marriage expenses, a person having two or more daughters is compelled to indulge in corrupt practices. This is one of the reasons for the menace of all pervasive corruption in our country. Even with so much of spending on marriages, there have been increasing cases of dowry deaths. It is high time that a legislation is enacted to restrict expenditure on marriages which will have salutary effect in curbing corruption and atrocities on women.

According to an estimate, our countrymen spend a whopping amount of rupees four lakh ninty five thousand crore annually on weddings. Hence a check on lavish expenses during marriages is essential. The Bill accordingly seeks to achieve the above objective.

NEW DELHI;
November 6, 2000.

G.S. BASAVARAJ

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to frame rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 160 OF 2000

A Bill further to amend the Constitution of India.

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

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|------------------------------------|---|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 2000. |
| Amendment of article 248. | 2. In article 248 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) The Legislature of a State has exclusive power to make any law with respect to any matter not enumerated in the Union List or Concurrent List.”. |
| Omission of article 249. | 3. Article 249 of the Constitution shall be omitted. |
| Amendment of article 251. | 4. In article 251 of the Constitution, for the words “articles 249 and 250”, the words “article 250” shall be substituted. |
| Amendment of article 252. | 5. In article 252 of the Constitution, for the words “articles 249 and 250”, the words “article 250” shall be substituted. |
| Amendment of the Seventh Schedule. | 6. In the Seventh Schedule to the Constitution,—

(i) in List I — Union List, entry 97 shall be omitted;

(ii) in List II — State List, after entry 66, the following entry shall be inserted, namely:—

“67. Any other matter not enumerated in List I or List III including any tax not mentioned in either of those Lists.”. |

STATEMENT OF OBJECTS AND REASONS

A time has come when the Centre-State relations need to be strengthened by judicious redistribution of legislative and executive powers between the Centre on the one hand and the States on the other. States autonomy has to be enlarged so as to enable them to shape and enhance their economic progress without depending on the largesse given by the Centre. In a democratic set-up, it is essential that the State Legislatures and Governments must have sufficient freedom and powers to fulfil the mandate and desires of the people electing them. Denial of this reduces the constituent federal units to the status of dependencies. It is, therefore, considered necessary that the residuary powers of legislation in relation to subjects not enumerated in the Union List or the Concurrent List should vest in the States rather than the Centre as at present. The power of Parliament to interfere in the matters mentioned in the State List should also be done away with. The present Bill seeks to achieve these objectives.

NEW DELHI;
October 25, 2000.

SURESH KURUP

BILL No.175 OF 2000

A Bill to set up a Commission to identify and deport illegal immigrants in the country.

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

Short title, extent and Commencement.

1. (1) This Act may be called the Illegal Immigrants (Identification and Deportation) Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act 'illegal immigrant' means any person who comes to India without any proper and valid document issued by the designated Authority of the Government of India.

National Commission for identification and deporting illegal immigrants.

3. The Central Government shall set up a Commission to be known as the National Commission for identification and deporting illegal immigrants (hereinafter to be known as National Commission).

4. (1) The National Commission shall consist of:—

(i) a Chairman who shall be a retired Judge of the Supreme Court to be appointed by the President of India; and

(ii) two other members to be appointed by the President of India.

(2) The Chairman and other members shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

5. The Central Government shall also set up a 'State Commission' for a State or a group of States for identification and deportation of illegal immigrants.

State Commission.

6. (1) Every State Commission shall consist of:

Appointment, term and salary of Chairman and other members of State Commission.

(i) a Chairman who shall be a retired Judge of High Court; and

(ii) four other members.

(2) The Chairman and other members of the State Commission shall be appointed by the Central Government in consultation with the Chairman of the National Commission.

(3) The Chairman and the other members shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

7. Every State Commission shall perform the following functions, namely:—

Duties of the State Commission.

(i) to carry out necessary exercise to identify illegal immigrants and their nationality in their respective area;

(ii) to prepare and send list of all illegal immigrants in their respective area to the District Administration;

8. The National Commission and every State Commission shall exercise the powers of a civil court in regard to discharge of its functions.

Powers of the Commission.

9. The Commission shall direct the respective State Government to:—

Commission to direct the State Government.

(i) stop all assistance enjoyed by the illegal immigrants immediately;

(ii) impound the ration card in the possession of illegal immigrants;

(iii) terminate the services of illegal immigrants, in case such immigrants are employed in any public sector and inform persons concerned in case they are employed in private sector;

(iv) take such necessary action to recover loans borrowed by illegal immigrants;

(v) facilitate speedy hearing of cases against illegal immigrants; and

(vi) take immediate action for deporting them to the countries of their origin.

10. The State Government shall take such action as directed by the National Commission within three month.

State Government to take action on direction of the Commission.

11. (i) Any person, who has any complaint against a decision of any State Commission, shall be entitled to represent to the National Commission, who shall hear the same and dispose it of within one months.

Representation to the National Commission.

(ii) Every applicant, who represents to the National Commission under clause (i), shall be given an opportunity of being heard before disposing of such application by the National Commission.

12. The State Commission and the district administration shall ensure that no inconvenience is caused to any bona fide citizen of the country during the enforcement of the provisions of this Act.

No inconvenience to be caused to bona fide citizens.

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

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our country, there are lakhs of illegal immigrants who have come from many countries. Our country is poor and cannot afford to feed the immigrants. There have been complaints that these people indulge in criminal activities. They take the share of benefits which would have been otherwise available to bonafide citizens. They harass the genuine citizens and usurp their rights.

It is, therefore, proposed to set up a Commission to identify and deport illegal immigrants to the countries of their origin. Due care will be taken not to harass bonafide citizens.

Hence this Bill.

NEW DELHI;

ANANT GANGARAM GEETE

November 8, 2000.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the National Commission for identification and deporting of illegal immigrants from the country. Clause 4 provides for salaries and allowances payable to the Chairman and other members of the Commission. Clause 5 provides for setting up of State Commission for a State or a group of States and clause 6 provide for salaries and allowances payable to the Chairman and other members of State Commission.

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

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 210 OF 2000

A Bill further to amend the Factories Act, 1948.

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

	1. (1) This Act may be called the Factories (Amendment) Act, 2000.	Short title, and commencement.
	(2) It shall come into force at once.	
63 of 1948.	2. In section 51 of the Factories Act, 1948 (hereinafter referred to as the principal Act), for the words "forty-eight", the words "thirty-six" shall be substituted.	Amendment of section 51.
	3. In section 54 of the principal Act, for the word "nine", the word "seven" shall be substituted.	Amendment of section 54.
	4. In section 55 of the principal Act,—	Amendment of section 55.
	(i) in sub-section (1), for the word "five", the word "four" shall be substituted;	
	(ii) in sub-section (2), for the word "six", the word "five" shall be substituted.	
	5. In section 56 of the principal Act,—	Amendment of section 56.
	(i) for the words "ten and a half", the words "eight and a half" shall be substituted;	
	(ii) the proviso shall be omitted.	
	6. In section 59 of the principal Act, in sub-section (1),—	Amendment of section 59.
	(i) for the word "nine", the word "seven" shall be substituted;	
	(ii) for the words "forty-eight", the words "thirty-six" shall be substituted.	
	7. In section 67 of the principal Act, for the word "fourteenth", the word "eighteenth" shall be substituted.	Amendment of section 67.

STATEMENT OF OBJECTS AND REASONS

Before the Factories Act came into force in 1948, the working hours for the labourers in the country were up to 10—12 hours per day but the working hours were reduced since the Factories Act came into force. With the technical advancements and developments, labourers have to work with more efficiency, concentration and diligence than ever before. To make up for the hard work, they need more time for leisure, recreation, etc., in order to recharge themselves.

So with the improvements, changes and automation and equipments it would not be proper both from human and social aspects to continue with old norm of eight hours per day. In fact the working hours should be reduced from eight to six hours in order to increase the number of shifts in factories from present three to four. This will be beneficial as a large number of unemployed persons can be given employment in factories if the shifts are increased.

Therefore, in order to provide for welfare of labourers and to mitigate the unemployment problem to some extent it is proposed to amend the Factories Act, 1948 suitably.

NEW DELHI;
November 8, 2000.

BAL KRISHNA CHAUHAN

FINANCIAL MEMORANDUM

Clauses 2 to 6 of the Bill provides for reduction in the working hours of the workers which will result in the factories running in four shifts instead of three shifts and a consequent increase in the number of workers. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India in respect of payment of wages, etc. to the workers. It is estimated that an annual recurring expenditure of about rupees one crore is likely to be involved.

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

BILL No. 202 OF 2000

A Bill further to amend the Commission of Inquiry Act, 1952.

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

1. (1) This Act may be called the Commission of Inquiry (Amendment) Act, 2000.

Short title, and
commencement

(2) It shall come into force at once

60 of 1952

2. In section 3 of the Commission of Inquiry Act, 1952, after sub-section (4), the following sub-sections shall be inserted, namely —

Amendment
of section 3

“(5) Where a report of the Commission laid before each House of Parliament or, as the case may be, the Legislature of the State in accordance with sub-section (4), discloses or indicates any criminal offence and where no legal action has already been taken on such criminal offence, the appropriate Government, shall immediately and effectively commence the required action including taking every legal action or process, taking cognizance of any complaint or offence, making of arrests, re-opening of closed investigations, and taking of action against corruption, brutality, dereliction of duty, mala fide exercise of authority and delinquency in the handling of cases by officers and policemen

Explanation. Where a report of a Commission has already been laid before each House of Parliament or, as the case may be, the Legislature of the State, before the commencement of this Act, the word “immediately” in this sub-section shall mean immediately after coming into force of this Act.

2 of 1974

(6) Notwithstanding anything contained in sections 468 and 469 of the Code of Criminal Procedure, 1973 or in any law or public service manual of the Union, All-India or a State service, no action pursuant to sub-section (5) shall be vitiated by any consideration of the action being a delayed or belated action or action being barred by lapse or expiry of the period of limitation

(7) It shall be the personal responsibility and duty of the highest police officer of the State and of the district concerned to comply completely with the requirements of sub-section (5) and any failure to do so shall be punishable with imprisonment of either description, for a term which may extend to three years

STATEMENT OF OBJECTS AND REASONS

A report of a Commission appointed under the Commission of Inquiry Act, 1952 and laid before each House of Parliament or, as the case may be, the Legislature of a State in accordance with sub-section (4) of section 3 of the Act, disclose or indicate the Commission of criminal offence. Where no legal action has already been taken on such criminal offence, there is need to provide that the appropriate Government shall immediately commence the required action thereon and that no such action shall be barred by any consideration of the period of limitation.

The Bill seeks to amend the Commission of Inquiry Act, 1952 to make the aforesaid and other consequential amendments of important nature.

NEW DELHI;
November 10, 2000.

G.M. BANATWALLA

BILL NO. 199 OF 2000

A Bill Further to amend the Representation of the People Act, 1951.

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

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|-------------|--|---|
| 43 of 1951. | <p>1. This Act may be called the Representation of the People (Amendment) Act, 2000.</p> <p>2. In sub-section (1) of section 77 of the Representation of the People Act, 1951,</p> <p style="padding-left: 40px;">(i) <i>for Explanation (1) the following Explanation shall be substituted, namely:—</i></p> <p style="padding-left: 40px;"><i>Explanation (1).—Any expenditure incurred by a political party on its propaganda highlighting its achievements and/or failures of its rival party or parties shall not form part of the expenditure incurred by a candidate in his election unless it is exclusively attributable to him and of which he knowingly takes advantage in promotion of his election prospects."</i></p> <p style="padding-left: 40px;">(ii) <i>Explanation (3) shall be omitted.</i></p> | <p>Short title.</p> <p>Amendment
of Section 77.</p> |
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STATEMENT OF OBJECTS AND REASONS

Section 77(1) of the Representation of the People Act, 1951 requires every candidate at an election to the House of the People or a State Assembly to keep a separate and correct account of all expenditure incurred or authorized by him or by his election agent between the date on which he was nominated and the date of declaration of the result of election. If the total of such expenditure exceeds the amount as prescribed under sub-section (3) of the said section 77, it is treated as a corrupt practice under section 123 of that Act and it results in his election being declared void. This salutary provision was incorporated into law to ensure that the purity of the election process was not tarnished by money power. However, in 1974, Explanation (1) and in 1975, Explanation (3) to the said sub-section (1) of section 77 were inserted to the effect that expenditure incurred or authorized by a political party or by any other association of persons or by friends and supporters and also expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done for any candidate by a person in the service of the Government in discharge or purported discharge of his official duty shall not be deemed to be expenditure incurred or authorized by the candidate or his election agent. These explanations were inserted in the wake of the Supreme Court judgment in *Kanwar Lal Gupta vs. Amar Nath Chawala* [1975 (3) SSC 646] declaring such expenses as inclusive.

As observed by the Supreme Court in *Gadakh Yashwantrao vs. Balasaheb Vikhe Patil* [1994(1) SCC682] the exceptions provided in the Explanations mentioned above lead to escape route from the provision of ceiling on election expenditure of a candidate. "It is a lacuna in the law and it is for the Parliament to fill it lest the impression is reinforced that its retention is deliberate for the convenience of every one", observes the Supreme Court. It is therefore necessary to close this escape route so as to lessen, if not remove altogether, the impact of money power in elections to Parliament and State Legislatures.

Hence this Bill.

NEW DELHI;
October 20, 2000.

HANNAN MOLLAH

BILL NO. 216 OF 2000

A Bill further to amend the National Highways Act, 1956.

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

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|------------|--|--|
| 48 of 1956 | <p>1. This Act may be called the National Highways (Amendment) Act, 2000.</p> <p>2. Section 5 of the National Highways Act, 1956, shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—</p> | <p>Short title.</p> <p>Amendment of Section 5.</p> |
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“(2) Subject to any other arrangement made by the Central Government under the authority of this Act for development, maintenance of whole or any part of a national highway, where a railway line or railway track crossing a national highway, it shall be the responsibility of the administration of that railway to construct and maintain in proper repair, three hundred metres of such national highway on either side of the railway line or track:

Provided that if such a crossing falls within the jurisdiction of a Municipal Committee, Corporation, Cantonment Board or any other statutory authority, the length of such approach roads which shall be maintained by the railway administration

shall be determined by mutual agreement between the railway administration and such Municipal Committee, Corporation, Cantonment Board or statutory authority but the railway administration shall not be absolved of their responsibility for the proper maintenance of such approach roads.

(3) It shall also be the responsibility of the railway administration to construct and maintain over-bridges or under-bridges, as the case may be, at such railway crossing.

(4) Notwithstanding anything contained in section 2 or in any other law for the time being in force, the portion or the national highways referred to in sub-section (2) shall, for the purposes of this section, vest in the railway administration concerned.”.

STATEMENT OF OBJECTS AND REASONS

It is the common experience of the travelling public on the highways that traffic is unduly held up at railway level crossings, particularly at those located within the local limits of cities and towns. This causes considerable loss of time and money to the users of national highways besides causing traffic jams dislocating movement of other related traffic, air-pollution and wastage of precious fuel. The Railway level crossings are also prone to cause serious accidents and health hazard and remain a threat to life and property of the road users. Railways may therefore be made responsible for construction and maintenance of over-bridges/under-bridges at such railway level crossings instead of leaving this work to State Governments or local administration who do not always have adequate funds.

Hence this Bill.

NEW DELHI;

HANNAN MOLLAH

October 10, 2000.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the railway administration shall construct and maintain three hundred metres of such national highway on either side of the railway line or track which crosses a national highway and shall also construct and maintain over-bridges or under-bridges at such railway crossings. 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 two crore per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakh.

BILL No. 213 OF 2000

A Bill to provide for the payment of unemployment allowance to the unemployed persons and for matters connected therewith.

Short title,
extent and
commencement.

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

1. (1) This Act may be called the Payment of Unemployment Allowance Act, 2000.

(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 and different dates may be appointed for different States and Union territories.

Definitions.

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

(a) 'allowance' means the monthly payment to be made to an unemployed person under this Act;

(b) 'unemployed person' means any adult person who has no means of livelihood and whose name is registered in an employment exchange; and

(c) 'prescribed' means prescribed by rules made under this Act.

3. (1) Every unemployed person shall be entitled to the payment of a monthly allowance at a rate and subject to such conditions, as may be prescribed after consulting the Governments of the States and Union territories.

Unemployment allowance to unemployed persons.

(2) While fixing the rates of allowance under clause (1), educational qualification, skill, experience and other relevant conditions of the unemployed person shall be taken into consideration.

4. The Central Government shall bear eighty percent of the total expenditure incurred on the payment of unemployment allowance under this Act and the rest of the expenditure shall be met by the respective State Governments and Union territory Administrations.

Central Government to bear eighty percent of total expenditure.

5. (1) The Central Government may, by notification in the Official Gazette, 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 maximum and minimum amount of allowance payable under section 3 depending on the qualification of the applicant;

(b) manner of making application for payment of allowance;

(c) requirements which an applicant for payment of allowance may fulfil, such as educational qualifications, skill, experience, etc.

(d) such other matters which may be necessary to prescribe for carrying out the provisions of this Act.

(3) 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 rules 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 problem of unemployment has assumed alarming situation in our country particularly in rural areas of economically backward regions. This has caused and is causing aggravated frustration amongst younger generation. Their energy is not being utilised for building the nation. They, driven to extreme desperation and deprivation, take to the path of violence and crime. Empty sermons of morality, ethics, nationalism, religious discourses and pious assurances of social, political and religious leaders are unable to check the trend of youth taking to violence and criminality. It is imperative for the political leadership of the country to take urgent corrective measures to generate employment opportunities for the youth but in the nature of things it is a long process before projects and schemes throw up adequate employment opportunities to the young men and women. Alternative to this is that the country should bear the burden of paying some unemployment allowance to the unemployed persons till they get employment enabling them to earn their daily bread. The Bill seeks to achieve the above objective.

NEW DELHI;
November 2, 2000.

HANNAN MOLLAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of unemployment allowance to unemployed persons in the country. Clause 4 provides that the Central Government shall bear eighty percent of the total expenditure incurred on the payment of unemployment allowance and rest of expenditure shall be borne by the respective State Governments and Union territory administration.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees two thousand crore per annum will be involved as a recurring expenditure out of the Consolidated Fund of India.

Non-recurring expenditure will be insignificant.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules for carrying out the provisions of the Bill. The delegation of legislative powers is of a normal character.

BILL No. 189 OF 2000*A Bill further to amend the Constitution of India.*

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

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

**Amendment
of article 200.**

2. In article 200 of the Constitution,—

(i) the words “or that he reserves the Bill for the consideration of the President” shall be omitted; and

(ii) the second proviso shall be omitted.

**Omission of
article 201.**

3. Article 201 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Articles 200 and 201 of the Constitution empower the Governor to reserve Bills passed by the Assembly for President's assent. Over the years in actual practice this has been a constant irritant in otherwise harmonious Centre-State relationship. In fact, Centre's intervention has been an obstacle in bringing about social and economic reforms, in particular land reforms, through progressive legislation passed by the democratically elected State Assemblies in accordance with the mandate and desire of the people. These provisions have proved to be undemocratic and militate against spirit of true federalism.

For progress and development of States, it is necessary that the State Legislatures must have final say in matters falling under their legislative sphere.

Hence this Bill.

NEW DELHI;
November 1, 2000.

HANNAN MOLLAH

BILL NO. 214 OF 2000

A Bill to provide for the abolition of child labour and for matters connected therewith.

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

Short title
and extent.

1. (1) This Act may be called the Abolition of Child Labour Act, 2000.
- (2) It extends to the whole of India.

Definitions.

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

(a) “appropriate Government” means the Central Government or the State Government as the case may be;

(b) “child” means a person who has not completed his eighteenth year of age;

(c) “employer” means a person who engages a child in a job or an employment and who has the ultimate control over the affairs of an establishment including shops, houses, agriculture or any other work.

Abolition of
child labour.

3. Child labour in any form in any employment is hereby abolished.

Punishment
for violation
of the Act.

4. Whosoever engages a child in any employment shall be punished with imprisonment for a term which shall not be less than two years or with a fine which shall not be less than rupees five thousand.

5. If any officer responsible for registering cases for violation of this Act shall be punished with imprisonment for a term of two years or a fine of rupees two thousand or with both.

Punishment for not registering cases.

6. The provisions of this Act or rules made thereunder shall be in addition to and not in derogation of any other law for the time being in force.

Provisions of Act not in derogation of any other law for the time being in force.

7. The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Although the Constitution prohibits the employment of children below fourteen years of age in any factory or, mine or, in any hazardous industry, a number, of children are forced by their parents to go for work and these children are thus deprived of education because of poverty. It is the duty of the Government to provide for free education to the children.

It is also a matter of grave concern that children are forced to beg by their parents, guardians, gangleaders and others.

Children are engaged in glass factory, carpet factory, household and shops and in agriculture. The existing legislation is not effective as it does not give any deterrent punishment for employment of children. Therefore, it is high time that child labour is completely abolished in the country and this will force the parents to send their children to schools and thus illiteracy will be removed from the country. It will also help the child to develop and take active part in the welfare of the country.

Hence this Bill.

NEW DELHI;
November 15, 2000.

G. S. BASAVARAJ

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL NO. 201 OF 2000

A Bill further to amend the Land Acquisition Act, 1894.

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

of 1894.

1. This Act may be called the Land Acquisition (Amendment) Act, 2000.

Short title.

2. In section 4 of the Land Acquisition Act, 1894, after sub-section (1), the following proviso shall be inserted, namely:—

Amendment
of Section 4.

“Provided that no Land Acquisition Authority shall have or be deemed to ever have any jurisdiction to issue notification in respect of any piece of land, with or without super-structure thereon, belonging to any community or denomination thereof, and set apart for worship or for religious and charitable purposes as wakf or for the performance of funeral rites or as depository for the remains of the dead, including the site of temple, mosque, church, gurdwara, synagogue, idgah, imambara, ashoorkhana, grave, tomb, sepulchre, graveyard, cemetery, *marghat* and tower of silence, etc., and the land appurtenant thereto as well as the means of access to the same.”.

STATEMENT OF OBJECTS AND REASONS

The Land Acquisition Act, 1894 contains no explicit bar to acquisition of properties of religious significance. Attempts at such acquisition have created serious apprehensions and agitations among members of religious communities. The Bill, therefore, seeks to bar explicitly all such acquisitions. The protection is extended to all such land with or without any structure thereon, as may belong to any community or denomination thereof, and as may be set apart for worship or for religious and charitable purposes as wakf or for the performance of funeral rites or as depository for the remains of the dead.

NEW DELHI;
November 20, 2000.

G. M. BANATWALLA

BILL NO. 206 OF 2000

A Bill to provide for setting up of a Bureau for determination of prices of products manufactured in the private sector and for matters connected therewith.

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

1. (1) This Act may be called the Consumer Protection (Price Determination of the Products Manufactured in the Private Sector) Act, 2000.

Short title,
extent and
commence-
ment.

(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) 'prescribed' means prescribed by the rules made under this Act;

(b) 'private sector' means production of goods by agencies which are not under the control of the State;

(c) 'product' means and includes any goods including any grocery item, including oil, ghee, milk, bread, any cosmetic item, or any such item which is used for daily use by common public but does not include vegetables, seasonal fruits and finished goods or services; and

(d) 'State' means the Government of the Union or of a State or bodies solely under their control.

Price determination of the products manufactured in the private sector.

3. Notwithstanding anything contained in any other law for the time being in force, the State shall determine the price of the products manufactured in the private sector through an Agency set up under section 4.

Establishment of the Bureau for the price determination of products manufactured in the Private Sector.

4. (1) The State shall establish, for achieving the object mentioned in section 3, an Agency to be called the 'Bureau for the price determination of the products manufactured in the Private sector' (hereinafter referred to as Bureau) on the pattern of the Bureau of Indian Standards meant for quality control.

(2) The Bureau shall consist of such number of officers and staff, as may be prescribed, for carrying out the functions of the Bureau.

Bureau shall determine the prices of products manufactured in the private sector.

5. (1) The Bureau shall determine the prices of products manufactured in the private sector.

(2) The Bureau may, before fixing the prices, take into relevant factors especially,—

(i) quality of products;

(ii) demand and supply of products;

(iii) cost of production;

(iv) loss during production;

(v) prices of accessories or which directly or indirectly affect the price factor of the products;

(vi) any other relevant factor as may be deemed necessary.

(3) The Bureau may fix different prices for different products in different States and in accordance with quality of the product.

(4) The Bureau shall from time to time after taking into relevant factors revise the prices fixed for different products.

Prices fixed for different products shall be published in newspapers, etc.

6. The Bureau shall cause published in newspaper, radio/television network about the prices fixed for different products.

Punishment

7. If any manufacturer in the private sector contravenes any decision of the Bureau, he shall be punished with three years simple imprisonment and a fine which may extend upto rupees fifty thousand.

Power to make rules

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

STATEMENT OF OBJECTS AND REASONS

Of late, the Government of India has come out with a praise-worthy action on consumer protection front. It is heartening to note that the Government have brought forward several legislative measures on consumer protection. These would help consumer fight for his rights and may be helpful in checking the mal-practices and rise in price to a certain extent only. Much requires to be done.

The main purpose of bringing forward this legislation is to check the carefree attitude of the Private Sector producing bulk of the products, especially in the consumer section. There is hardly any check on their price determination. It has been seen that a one percent increase in the taxation or even for no reason, these unscrupulous manufacturers would enhance price of their products, sometimes, many-fold. There is hardly any relationship between the quality and quantity of their product, on the one hand, and the price, on the other.

This problem is very acute in the rural areas. In villages, commodities of much inferior quality are being sold at exorbitant prices. Rural people are innocent by nature. They may not be able to fight this element in the private sector without some amount of effective State involvement.

In order to determine the prices of products manufactured by the private agencies, it has been proposed that a Bureau shall be set up in every State. The Bureau, apart from determining the price of products, shall also act as a check when the agencies increase their prices at their own will. Since the functions and policies of the Bureau are regulated by the Central Government, the prices of the product will be uniform throughout the country to some extent.

Hence this Bill.

NEW DELHI;

V. SAROJA

November 22, 2000.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of a 'Bureau for the price determination of the products manufactured in the private sector' at the Centre and in every State. The Bureau established by the Centre would look after the Union territories.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. As for setting up of Bureau in States, the respective State Governments would incur expenditure from their Consolidated Funds.

It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives powers to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL No. 200 OF 2000

A Bill to provide for the fixation of wages of domestic workers and for the improvement of their working conditions.

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

1. (1) This Act may be called the Domestic Workers (Conditions of Service) Bill, 2000.

Short title,
extent,
commence-
ment and
application.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

(4) It shall apply to every individual employing one or more workers for domestic work in his house.

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

Definitions.

(a) "domestic work" includes cooking, house-cleaning and attending to all other odd jobs connected with the house-hold chore;

(b) "Government" means the Central Government; and

(c) "worker" means any person employed for domestic work.

Application of the provisions of the Industrial Disputes Act, 1947.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, so far as applicable and subject to the modification specified in sub-section (2), apply to, or in relation to workers as they apply to, or in relation to workmen within the meaning of that Act.

14 of 1947.

(2) Section 25F of the aforesaid Act, in its application to workers shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:—

(a) three months in case of workers who have been in continuous service for a period of not less than two years; and

(b) two months in case of other workers.

Payment of gratuity to workers.

4. Where any worker has been in continuous service, whether before or after the commencement of this Act, for not less than one year, and—

(i) his services are terminated by the employer for any reasons whatsoever, or

(ii) he voluntarily resigns from service, or

(iii) he dies while he is in service,

the worker or, in the case of his death, his nominee or if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, resignation or death, by the employer gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

14 of 1947.

Fixation of wages by the Government.

5. (1) The Government may, in consultation with the representatives of the workers from amongst the Unions or Associations of the Workers, by order,—

(a) fix rates of wages in respect of workers; and

(b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(2) The rates of wages may be fixed or revised by the Government in respect of workers for time work and for piece work.

Right to wages.

6. Every worker shall be entitled to be paid by his employer wages at the rates which shall in no case be less than the rate of wages specified in the order referred to in section 5.

Hours of work.

7. No worker shall be required or allowed to work for more than eight hours during the day exclusive of the time for meals and leisure.

Period of rest.

8. Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours.

Leave entitlement.

9. Every worker, who has put in a service for a period of not less than six months, shall be entitled every year to the following leave, namely:—

Casual leave—12 days;

Sick leave—21 days;

Earned leave—1/11th of the number of days spent on duty.

Maintenance of registers and records.

10. Every employer of domestic workers shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

11. (1) The State Governments or the Union territory Administrations, as the case may be, may, by notification in the Official Gazette, appoint such persons as they think fit to be Inspectors for the purpose of this Act and may define the local limits within which they shall exercise their powers.

Appointment
of Inspectors.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

12. An Inspector may,—

Power of
Inspectors.

(a) require any person to produce any register, muster-roll or other documents relating to the employment of workers by him and examine such documents;

(b) take, on the spot or otherwise, the evidence of any persons for the purpose of ascertaining whether the provisions of this Act or any other Act made applicable to the domestic workers are complied with notwithstanding any other authority who may be empowered with same powers or any part thereof.

13. If any employer contravenes the provisions of this Act, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force governing the domestic workers.

Punishment.

14. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Recently in Maharashtra, a legislation for welfare of domestic workers was enacted. There are millions of domestic servants working as maid-servants or male-servants to attend to household and other personal work. The working conditions of these domestic servants are miserable and primitive. They are required to work for almost 18 hours a day. There is no protection for these workers under any statute. They are neither paid reasonable wages nor their hours of service are determined. They are not given any rest or leisure during the day. They are also not provided any benefits such as gratuity, provident fund, bonus, leave with wages, holidays, etc. Their services can also be terminated at any time without notice and without any compensation by their masters.

The domestic servants have been agitating for better service conditions throughout the country. It is, therefore, essential to regulate their service conditions.

Hence this Bill.

NEW DELHI;
November 22, 2000.

V. SAROJA

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides that the State Governments or the Union territory Administrations, as the case may be, may appoint such persons as they think fit to be Inspectors for the purposes of this Act. Some persons might have to be recruited as Inspectors for carrying out the provisions of this Act. The State Governments will incur expenditure from their respective consolidated funds for payment of salaries and allowances, etc. to the Inspectors and the Central Government would have to incur expenditure in respect of Inspectors appointed by the Union territory administrations from the Consolidated Fund of India.

It is estimated that a recurring expenditure of about rupees fifty lakhs is likely to be involved from the Consolidated Fund of India per annum.

It is also likely to involve a non-recurring expenditure of about rupees one crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purpose of this Bill. Since the rules will relate to matters of detail only, the delegation on legislative power is of a normal character.

BILL NO. 218 OF 2000

A Bill to constitute a National Commission for Children and to provide for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Commission for Children Act, 2000.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (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
commence-
ment.

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

Definitions.

(a) "Commission" means the National Commission for Children constituted under section 3;

(b) "Member" means a Member of the Commission and includes the Member-Secretary;

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

CHAPTER II

THE NATIONAL COMMISSION FOR CHILDREN

Constitution
of the
National Com-
mission for
Children.

3. (1) The Central Government shall constitute a body to be known as the National Commission for Children to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of—

(a) a Chairperson to be nominated by the Central Government from a panel of eminent persons committed to the cause of children prepared in such manner as may be prescribed;

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

(i) law or legislation (including Legal bodies);

(ii) administration or economic development;

(iii) health, education or social welfare;

(c) one Member-Secretary who shall be—

(i) an expert in the field of management, organisational structure or sociological movement, or

(ii) an officer 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 with appropriate experience.

Term of office
and conditions
of service of
Chairperson
and Members.

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) Notwithstanding anything contained in sub-section (1), the Central Government may terminate the term of office of the Chairperson or a Member at any time before the expiry of the term specified under sub-section (1) by giving to the Chairperson or the Member, notice of not less than three months in writing or three months, salary and allowances in lieu of such notice; and the Chairperson or the Member may relinquish the office at any time before the expiry of the term specified under sub-section (1) by giving, to the Central Government, notice of not less than three months in writing.

(3) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(4) 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.

Officers and
other employ-
ees of the
Commission.

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.

(2) 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.

Salaries and
allowances to
be defrayed out
of the Consoli-
dated Fund of
India.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the Commission, shall be defrayed out of the Consolidated Fund of India.

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 appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

Committees of the Commission.

(2) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons, who are not members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

9. (1) The Commission or a committee thereof 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 authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS OF THE COMMISSION

10. The Commission shall perform all or any of the following functions, namely:—

Functions of the Commission.

(a) study, investigate and review all matters relating to the safeguards provided for children under the Constitution and other laws and make recommendations as to the steps that should be taken by the Government for the effective implementation of the safeguards so provided so as to improve the conditions of children;

(b) review, from time to time, the existing provisions of the Constitution and other laws affecting children and recommend amendments thereto so as to suggest remedial legislative measure to meet any lacunae, inadequacies or shortcomings in such legislations;

(c) take up the cases of violation of the provisions of the Constitution and of other laws relating to children with the appropriate authorities;

(d) look into complaints and take *suo moto* notice of matters relating to—

(i) deprivation of children's rights;

(ii) non-implementation of laws enacted to provide protection to children; and

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to children and take up the issues arising out of such matters with appropriate authorities;

(e) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against children and identify the constraints so as to recommend strategies for their removal;

(f) review educational policy so as to cater to the needs of technological advancement;

(g) inspect or cause to be inspected a jail, remand home, institution or other place of custody where children are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

(h) fund litigation involving issues affecting a large body of children;

(i) make periodical reports to the Government on any matter pertaining to children and in particular various difficulties under which children toil;

(j) any other matter which may be referred to it by the Central Government.

CHAPTER IV

FINANCE ACCOUNTS AND AUDIT

Grants by
the Central
Government.

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 utilised 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.

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.

(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 audit report thereon shall be forwarded annually to the Central Government by the Commission.

Annual report.

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
and audit re-
port to be laid
before Parlia-
ment.

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.

CHAPTER V

MISCELLANEOUS

Chairperson,
Members and
staff of the
Commission
to be public
servants.

15. The Chairperson, the Members, Officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Directions by
the Central
Government.

16. The Commission shall carry out such directions as may be issued to it from time to time by the Central Government for proper and efficient functioning of the Commission.

17. (1) The Central Government may, by notification in the Official Gazette, 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 manner of preparation of the panel of eminent persons under sub-section (2) of section 3;

(b) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (4) of section 4 and of officers and other employees under sub-section (2) of section 5;

(c) allowances for attending the meetings of the Committee by the co-opted persons under sub-section (3) of section 8;

(d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(e) the form in and the time at, which the annual report shall be prepared under section 13;

(f) 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 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 any thing previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Children are the future of the country. They are exploited in many ways. Majority of the children do not go to schools for the simple reason that their parents are not in a position to send them to schools due to poor financial conditions or they are greedy to such an extent that they send their children for employment to supplement the income of the family. As a result, majority of the children remain illiterate. Children are employed as full time domestic servants in many households and they do not get paid for the work they perform. The children toil for long hours for very meagre wages. The conditions at the work place are inhuman and not worth mentioning. The employers do not care for health. Safety and other amenities which are necessarily to be provided to the Children under the law. Though the Constitution of India explicitly prohibits the employment of children in hazardous industries, millions of children are employed in many factories which could pose danger to their health.

Children are also sexually exploited. They are sold to rich men in foreign countries. Cases of sexual abuse of children are reported almost everyday.

The education policy of the country is such that it often requires review so as to cater to the needs of modern times and technological advancement in various spheres. The education policy is out-dated and requires thorough change.

Even after 53 years of independence, the children never received their due attention. It would be in the fitness of things, if their problems are addressed by the nation urgently and with a positive approach. It would be appropriate if we set up a National Commission for Children to address the problems of the children and to take remedial action.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 22, 2000.

V. SAROJA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Commission for Children. Clause 6 provides for salaries and allowances to be paid to the Chairman, Members, Officers and other staff of the Commission. Clauses 10(h), 11 and 12(2) provide for expenses to be met by the Commission on various items referred to in those clauses from out of the sums of grants paid to the Commission under clause 11(1).

2. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. At present, it is not possible to give the exact which will be incurred out of the Consolidated Fund of India to carry out the provisions of the Bill. However, a recurring expenditure of the amount of rupees one hundred crore per annum is likely to be involved out of 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 17 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may provide for matters, such as—

(a) the manner of preparation of the panel of eminent persons under sub-section (2) of section 3;

(b) salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and Members under sub-section (4) of section 4 and officers and other employees under sub-section (2) of section 5;

(c) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(d) the form in, and the time at, which the annual report shall be prepared under section 13;

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

2. The matters in respect of which rules may be made are matters of procedural and administrative detail and it is not practicable to provide for them under the Bill itself. The delegation of the legislative powers is, therefore, of a normal character.

BILL NO. 190 OF 2000

A Bill further to amend the Income-Tax Act, 1961.

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

Short title
and com-
mencement.

1. (1) This Act may be called the Income-Tax (Amendment) Act, 2000.
- (2) It shall come into force at once.

Amendment
of section 1.

2. In section 1 of the Income-Tax Act, 1961 (hereinafter referred to as the principal Act), for clause (3), the following clause shall be substituted, namely:—

43 of 1961.

“(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint but that date shall not be earlier than 1st April 2003.”

Insertion of
new section
1A.

3. After section 1 of the principal Act, the following section shall be inserted, namely:—

Savings.

“1A. Notwithstanding anything contained in the Income-tax Act, 1961,—

(a) where a return of income has been filed before the commencement of this Act by any person for any assessment year, proceedings for the assessment of that person for that year may be taken and continued as if this Act had not been passed;

(b) any proceeding pending on the commencement of this Act before any income-tax authority, the Appellate Tribunal or any court, by way of appeal, reference, or revision, shall be continued and disposed as if this Act had not been passed;

(c) any proceeding for the imposition of a penalty in respect of any assessment for the year ending on the 31st day of March, 2000, may be initiated and any such penalty may be imposed under this Act;

(d) any proceeding for the imposition of a penalty in respect of any assessment for the year ending on the 31st day of March, 2000 or any earlier year, which is completed or after the 1st day of April, 2000, may be initiated and any such penalty may be imposed under this Act;

(e) where, in respect of any assessment completed before the commencement of this Act, a refund falls due after such commencement or default is made after such commencement in the payment of any sum due under such completed assessment, the provisions of this Act relating to interest payable by the Central Government on refunds and interest payable by the assessee for default shall apply;

(f) any sum payable by way of income-tax, super-tax, interest, penalty or otherwise under the principal Act may be recovered under this Act, but without prejudice to any action already taken for the recovery of such sum under the Principal Act.

4. The Finance Act, 2000 is hereby repealed.

Repeal of
Finance Act,
2000.

5. For section 294 of the Principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 294.
Abeyance of
the Act for
certain
period.

“294. The provision of this Act shall not have effect for a period of three years from the date of coming into force of Income-Tax (Amendment) Act, 2000 and the Act shall be deemed to be in force from the 1st April 2003 automatically.”.

STATEMENT OF OBJECTS AND REASONS

The Income Tax (Amendment) Bill 2000 aims at providing an opportunity to make innovative introspection beginning at the lowest level of tax administration to the highest level at Central Board of Direct Taxes. It aims at encouraging a full-fledged debate at every quarter of taxpayers to the tax legislators in the Parliament.

The Income-tax law in our country has been an ever-changing piece of legislation. Thousands of amendments have been introduced in the last two decades. Those include even conceptual changes introduced through Finance Acts without meaningful debate. We are not even aware that our conceptual understanding has taken a circuitous route. We have travelled.

- From Provisional assessments to non-provisional assessments.
- From prima facie adjustments to non-prima facie adjustments to rectification.
- From no intimation only if no adjustment to intimation even if no adjustment in every case and now to no intimation at all.
- From rebate to straight deduction from income regime to rebate again.

Now we talk of deduction in exemptions whereas the taxpayers expect otherwise.

Every time conceptual changes were made, new ideas emerged and were put in practice by both the taxpayers and the tax gatherer, giving rise to numerous litigations. The provisions for prima facie adjustments is a fine example. The Provision was abused so much so that it must have achieved a distinction of being the most litigated single section in the Income Tax Act 1961. But this was not enough, when with the help of courts the law on the subject was settled and humanized, all of a sudden it was removed totally from 1-6-1999 for reasons not known to anybody.

Recent lapses observed and commented upon by the Comptroller and Auditor General, in respect of Assessment etc. should leave no one in doubt that the tax gatherer has not done his work dutifully. Every provision to bring accountability for the executors has been resisted or circumvented. The much-published one-by-six scheme has not brought any addition to revenue except addition to the number. Was this the plan behind increasing the tax base? On the other hand, arrears held in abeyance in court disputes are mounting to new highs. As per the latest CAG report, taxes amounting to Rs. 44,143 crores could not be collected as these cases were kept in abeyance in courts, tribunals and revenue appellate authorities. Also, the Report states that the number of assesseees has gone up from 1.35 crores to 1.75 crores, but there is a decrease in revenue by 3.48% which is surprising.

Equally true is the fact that, the taxpayers are harassed in such a way that he has become panicky and has preferred to be out of the tax net for the fear of being harassed. Number of pending tax cases in courts is increasing day by day. This should convince anyone about the wide spread dissatisfaction in regards to the tax administration amongst the taxpayers and the public at large.

Professionals on their part are a confused lot. They cannot render proper advice in this ever-changing legislation. In the absence of the long term policy the law lacks stability. Voluntary Disclosure Schemes and Amnesty Schemes coming at regular intervals have not only added to the confusion but have transformed honest taxpayers to not-true-to-themselves characters. The laudable objective to bring the black money to the fore has never been achieved.

To sum up every component of the tax law viz. the taxpayers, the tax gatherers, the professionals and the legislators are not a happy lot. In other words, the change we have legislated so far, has done no credit to us parliamentarians.

Recently, the Prime Minister of Malaysia, Mr. Mathahir had declared year 1999 as Tax-free with no corporate tax & income tax for a period of one year, resulting in increased spending and consumption.

The Income Tax (Amendment) Bill is, therefore, intended to have widespread and exhaustive (both intensive and extensive) debate on every aspect narrated earlier. To create a better conducive environment, the Bill provides for the Income Tax Act, 1961 to remain in animated suspension. For the next two years, let us concentrate to clear whatever is pending. There will be no additions. We shall be able to steer clear through the meaningful debate in this period. After two years, we start on a clean slate empowered by the conclusions drawn from the debate in every quarter. The loss of revenue caused by suspension of Income Tax Act, 1961 can be recovered by proportionate increase in indirect taxes on selective basis.

Let there be no direct tax for the next two years and let the black money flow freely in the country for the next two years which would lead to increased spending and consumption during which we can chalk out a simplified and admissible tax structure for the people of this country.

NEW DELHI;
August 25, 2000.

PRAKASH PARANJPE

BILL NO. 4 OF 2001

A Bill to provide for special financial assistance to the State of Uttaranchal for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward sections of People and for the development, exploitation and proper utilization of its resources.

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

Short title
and com-
mencement.

1. (1) This Act may be called the Special Financial Assistance to the State of Uttaranchal Act, 2001.

(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 State of
Uttaranchal.

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 the State of Uttaranchal 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 Castes, Scheduled Tribes and Other Backward Sections of people or for the development, proper utilization and exploitation of the resources in the State.

Application
of other laws
not barred.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

Having been part of the erstwhile State of Uttar Pradesh, the region known as Uttranchal remained socially and economically backward mainly because it was found impracticable to administer this region from the far away capital Lucknow. The low phase of development in the region resulted in the agitation of the people of the region for a separate Statehood. Ultimately, the Government of India respected the wishes of the people of the region and a new State of Uttranchal was created.

The State of Uttranchal is socially and economically backward. Problems of poverty, unemployment, illiteracy as well as measures for proper utilization of resources, welfare of weaker sections in the region and for initiating new development schemes are required to be addressed urgently and in a time bound manner. It is, therefore, necessary that the Central Government should provide some special financial assistance to the State of Uttranchal for its all-round development including the welfare of weaker sections and for the development of its vast resources. Such a step of providing financial assistance to this newly born State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
December 8, 2000.

HARPAL SINGH SATHI

BILL No. 193 OF 2000

A Bill to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

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

Short title,
extent and
commencement.

1. (1) This Act may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

Insertion of
new section
68A.

2. After section 68 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter, referred to as the principal Act the following section shall be inserted, namely:— 1 of 1996.

Setting up of
permanent
residential
centres/homes
for children
with severe
disabilities.

"68A. (1) The appropriate Government shall set up permanent residential centres/homes to ensure proper care and protection of children with disabilities and save them from exploitation by unscrupulous persons by forcing the children for begging against their will after the demise of their parents or guardians.

(2) The parents or relative of a child born with severe disability shall make an application to the authority set up by the appropriate Government for admission in the permanent residential centres/homes for children with severe disabilities.

(3) On receipt of the application, the authority, appointed by the appropriate Government shall examine the child by a panel of experts consisting of doctors, representatives or Organisations of disabled persons and District Administration who shall give report on the status of disability of the child and give a specific recommendation that the child need to be looked after permanently by the State by way of admission in the permanent residential centres/homes for children with severe disabilities.

(4) There shall be constituted a Fund for the welfare of children admitted in the permanent residential centres/homes and the Fund shall be credited with all moneys received from Central Government, moneys received by way of grants, gifts, donations, benefactions or bequests and moneys received from any other sources.

(5) The Fund shall be utilised for the administrative and other expenses relating to the welfare and care of the disabled children.

(6) The work of the permanent residential centres/homes shall be reviewed by an authority set up by the appropriate Government."

(7) The authority shall redress all complaints and deficiencies, if any, observed in the permanent residential centres by taking proper corrective measures.

3. In section 73 of the principal Act, in sub-section (2), for clause (zh), the following clauses shall be inserted, namely:—

Amendment
of section 73.

"(zh) the procedure for admission and utilisation of fund under section 68A;

(zi) any other matter which is required to be or may be prescribed."

STATEMENT OF OBJECTS AND REASONS

Although much is stated to have been achieved for addressing problems of disabled children with the passage of legislations 1995 and 1999, more still remains to be accomplished. We still have miles to tread to achieve the desired objective.

There is no mention in the Acts as to care of the destitute children, particularly the severely handicapped children, after the passing away of their parents or guardians. Whenever a disabled child is born in a family, the lives of the parents get disrupted while attending to the child because disability is not confined to one person but affects the entire family. Therefore, the Society which includes the Government should accept that disabled children need different life-style. They should not be allowed to live in isolation. The Government should set up family support system where parents could pass on their disabled children and be relieved of mental tension of bringing up the disabled child after their death. To achieve this objective, the Central Government and each of the State Governments should set up permanent residential centres/homes to look after the severely disabled children and thereby protect them from being exploited by unscrupulous persons by forcing them to begging against their will.

Hence this Bill.

NEW DELHI;

PRIYA RANJAN DASMUNSI

November 11, 2000.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of permanent residential centres/homes for persons with severe disabilities. It further provides for appointment of the authority to examine children for admission in the permanent residential centres for children with severe disabilities. There is also a provision for constitution of a Fund for the welfare of persons admitted in the permanent residential centres/homes. It also provides that working of the centres/homes shall be reviewed by the authority to be set up by the appropriate Government. The Central Government shall have to incur some expenditure for carrying out the provisions of the Bill. As far as the implementation of the provisions of the Bill in the States is concerned, the expenditure shall be borne by the Consolidated Fund of the respective States. 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 two hundred crore.

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

G. C. MALHOTRA,
Secretary-General.