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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 on 02-08-2002.

BILL No. 2 OF 2002

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950

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

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2002.

Short title and
commencement.

(2) It shall come into force at once.

2. In the Constitution (Scheduled Castes) Order, 1950, in paragraph 3, for the words “or the Buddhist” the words “the Buddhist or the Christian” shall be substituted.

Amendment of
paragraph 3

STATEMENT OF OBJECTS AND REASONS

For centuries, the Dalit Christians have been undergoing oppression in common with other dalits in our country. Rights and privileges given to Dalits in other religions are denied to dalits professing Christianity on the basis of religion. The Constitution empowers the President of India to enlist the Scheduled Castes eligible for reservation and other privileges but the Government has shown no interest to include Dalit Christians in the list of Scheduled Castes. Dalit Christians are being denied their basic rights guaranteed in the Constitution.

The change of religion does not change the socio-economic status of a Dalit. The social and economical condition of Dalit Christians is no better than persons belonging to Scheduled Castes professing Hindu, Sikh or Buddhist religion. Persons belonging to Scheduled Castes professing Hindu, Sikh or Buddhist religion have been included in the list of Scheduled Castes but Dalit Christians have, for no reasons, been left out from the list.

There is an urgent need to confer reservation and other privileges to over sixteen million Dalit Christians in our country.

The Bill seeks to achieve the above objective.

NEW DELHI;
September 10, 2001.

K. FRANCIS GEORGE

FINANCIAL MEMORANDUM

Clause 2 of the Bill, seeks to amend the paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 with a view to extend the benefits, at present enjoyed by Scheduled Castes belonging to Hindu, Sikh and Buddhist religion, to all Scheduled Castes professing Christianity. As a result, many more persons will also be entitled to the benefits and facilities provided by the Government.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one hundred crore is likely to be involved. A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 54 OF 2002

A Bill to provide for insurance of crops and for matters connected therewith.

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

Short title,
extent and
commencement.

1. (1) This Act may be called the Crop Insurance Act, 2002.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

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

(a) "crop" means and includes all agricultural crops such as paddy, wheat, gram, pulses, all types of fruits, coconut, all types of cotton and cotton seeds, etc. and such other agricultural commodities which may be notified, from time to time, by the Central Government, in the Official Gazette;

(b) "excess crop" means crop which is produced in excess of demand and where the return is very less compared to cost of production;

(c) "natural calamity" means drought, floods, cyclone, storm and heavy rains; and

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

3. The Central Government shall formulate a scheme providing for insurance of crops and excess of crops through the country.

Insurance Scheme.

4. The insurance scheme shall be applicable to all kinds of crops and in all seasons and to all farmers irrespective of the size of their land holding.

Insurance Scheme to be applicable to all farmers Premium

5. (1) The premium in respect of insurance shall be borne by the Central Government and the State Governments in such proportion as may be prescribed.

(2) Each farmer shall contribute towards the premium according to the size of the land owned by him and the rate shall be such as may be prescribed.

6. It shall be the duty of the Central Government to pay insurance amount to the farmers for the loss of crops suffered by them due to any natural calamity or excess of crops where the returns is less.

Payment of Insurance amount.

7. (1) The insurance amount shall be paid within two months after the full assessment of the loss suffered by the farmer is made by a Committee of Experts to be constituted by the Central Government.

Insurance amount to be paid within two months

(2) The farmers shall be fully compensated for the loss suffered by them.

8. It shall be the duty of both Central and State Governments to provide all essential commodities to the farmers who have submitted their claims for insurance for their daily needs free of cost till they recover from the loss.

Supply of essential commodities to farmers

9. It shall be the duty of the Central and the State Governments to procure excess crops from the farmers so as to compensate them for the decrease in return for their produce.

Procurement of excess crop

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to crop insurance.

Application of other laws to crop insurance.

11. 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

The farmers always greatly suffer due to floods, cyclone, drought and heavy rains. It has been a common phenomenon that the standing crops are destroyed by the natural calamities every year. In most parts of the country, drought has also affected the crops. The frequent loss of crops suffered by the farmers has rendered them helpless and has even forced them to commit suicide. Due to the loss of crops, farmers are not in a position to repay their loans to money lenders.

In the last few years, heavy rains have damaged the crops in several parts of the country. Drought was also experienced in several other States which resulted in heavy loss to farmers. Farmers have not only been victimised by natural forces but also by Government by way of not procuring surplus production from them. It is, therefore, necessary to enact a legislation so that farmers can be compensated for loss of their crops due to natural calamities.

NEW DELHI;
June 28, 2002.

IQBAL AHMED SARADGI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a Crop Insurance Scheme. Clause 5 provides that the premium in respect of crop insurance shall be borne by the Central Government and the State Governments. Clause 6 provides that it shall be duty of the Central Government to pay the farmers the insurance amount due to loss of crops. Clause 8 provides for supply of all essential commodities to farmers for their daily needs free of cost till they recover from loss. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The State Governments will incur expenditure from their respective Consolidated Funds in respect of payment of premium of crop insurance and procurement of excess crop production. It is likely to involve an annual recurring expenditure of about rupees five hundred crore from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL No. 51 OF 2002

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2002.

Short title.

2. In the Tenth Schedule to the Constitution,—

Amendment of
Tenth
Schedule.

(a) in paragraph 1, in clause (b), the words “or paragraph 3 or, as the case may be, paragraph 4”, shall be omitted;

(b) in paragraph 2, in sub-paragraph (1), for the words and figures “paragraphs 3, 4 and 5” the word and figure “paragraph 5” shall be substituted;

(c) paragraph 3 shall be deleted; and

(d) paragraph 4 shall be deleted.

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution makes provisions as to disqualification for membership of either House of Parliament or the Legislature of the State on ground of defection. Paragraph 2 provides that a member shall be disqualified for being a member if he voluntarily gives up the membership of his political party or if he votes or abstains from voting contrary to any direction given by the party to which he belongs. The disqualification, is however, made subject to paragraphs 3 and 4 according to which the disqualification on ground of defection is not to apply in case of a split in or the merger of the original party.

The concepts of 'split' and 'merger' simply facilitate mass defections and have, in increasing number of cases, brought disgrace to the functioning of Parliamentary democracy in the country.

The Bill seeks to do away with the concepts of "split" and "merger" incorporated in paragraphs 3 and 4 respectively of the Tenth Schedule to the Constitution. This will lead to disqualification in all cases of defection irrespective of the mathematical number.

The Bill seeks to achieve the above object.

NEW DELHI;
July 1, 2002.

G. M. BANATWALLA

BILL No. 57 OF 2002

A Bill to provide for prevention of, and for dealing with, dereliction of duty by public functionary or public servant in communal riots, of the crime of genocide and of contemptuous imputations and for matters connected therewith.

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

1. (1) This Act may be called the Prevention of Dereliction of duty by Public Functionary or Public Servant (in Communal Riots, of crime of Genocide and of Contemptuous Imputations) Act, 2002.

Short title and
commencement.

(2) It shall come into force at once.

Definitions

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

(a) “appropriate Government” means,—

(i) in the case of a State specified in the First Schedule to the Constitution, the State Government;

(ii) in the case of a Union Territory specified in the First Schedule to the Constitution, the Central Government,

(b) “Code” means the Indian Penal Code (45 of 1860),

(c) “Convention” means the Convention on ‘The Prevention and Punishment of the Crime of Genocide’ approved and adopted by the General Assembly of the United Nations on 9 December, 1948,

(d) “genocide” means ‘genocide’ as defined in article 2 of the Convention†,

(e) “public functionary” means a person who holds the office of a Minister in the Union or a State and includes the Prime Minister and the Chief Minister,

(f) “public servant” shall have the meaning assigned to it in section 21 of the Code,

(g) “words and expressions” used and not defined in the Act but defined in the Indian Penal Code (45 of 1860) or the Code of Criminal Procedure, 1973 (2 of 1974) shall have the meanings respectively assigned to them therein

Punishment for
dereliction of
duty, etc

3. Whoever being a public functionary or a public servant,—

(a) aids, abets or assists in, or

(b) allows or facilitates voluntarily or through negligence, inaction, illegal omission or dereliction of duty, or

(c) conceals commitment of or design to commit, or

(d) is guilty of complicity in the committing of, or

(e) is guilty of illegal omission or dereliction of duty in the investigation of and due action on any criminal offence punishable under sections 3, 4 or 5 or under the provisions of the Code or any other law in force,

he shall, where such offence is related to or is in the course of communal riots or harm caused on religious, linguistic, racial or ethnical ground,—

(a) be liable to be punished with rigorous imprisonment for a term which shall not be less than seven years and such imprisonment shall not be concurrent with any sentence of imprisonment under the Code or any other law in force and shall be in addition or further to any sentence under the Code or any other law in force, and

(b) shall, notwithstanding anything contained in any law in force, forfeit, in the case of his being a public servant, his official position or, in the case of his being a public functionary, vacate his seat in the House of the Parliament or the Legislature of a State, as the case may be, and shall be disqualified for the same at any point of time thereafter

Punishment for
genocide

4. Whoever is guilty of committing genocide or any of the other acts enumerated in article 3 of the Convention shall be punished with death.

Punishment for
contemptuous
imputations

5. Whoever by words, either spoken or written or by sign or by visible representation or otherwise makes or publishes contemptuous imputation against a religious, linguistic, racial or ethnical minority, in whole or part, or against any category of its educational or

religious institutions collectively, shall be punished with imprisonment of either description for a term which may extend to seven years

Explanation —Characterisation of a religious, linguistic, racial or ethnical minority as anti-national or anti-social element or as anti-any-other-such group or as terrorist or as disloyal to India will amount to contemptuous imputation

6. (1) Where a communal violence in any part of a State or Union Territory continues for more than forty-eight hours, the appropriate Government shall, in consultation with the Chief Justice of the State or Union Territory concerned, appoint a sitting High Court Judge to inquire into and report whether there is any *prima facie* case against any public functionary or public servant under section 3 and the appropriate Government shall, notwithstanding anything contained in service rules or manual or in any law in force, also suspend the highest police officer of the State or the Union Territory, as the case may be, and of the district and the local area concerned

Continuous communal violence for more than forty-eight hours

(2) Where the report under sub-section (1) discloses or indicates committing of an offence under section 3, the appropriate Government shall immediately and effectively commence the required action including legal action or process and making of arrests

(3) Every report under-section (1) received by the appropriate Government shall, without delay, be laid before each House of the Parliament in the case of Union Territory, and, in the case of a State, before the Legislature of the State concerned

(4) The police officer suspended under sub-section (1) may be restored to his position in the light of the findings and recommendations contained in the report submitted under sub-section (1)

7. Notwithstanding anything contained in sections 468 and 469 of the Code of Criminal Procedure 1973 (2 of 1974) or in any other law or public service manual of the Union, All-India or a State service, no action pursuant to sections 3, 4 and 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

Limitation period not to apply

STATEMENT OF OBJECTS AND REASONS

The destiny of India lies in communal peace, amity and harmony. The recent Gujarat carnage has once again stirred up the entire nation.

An important aspect of communal violence and attempts to deal with them is the frequent allegations of complicity and dereliction of duty on the part of public servants and public functionaries. There is need to ensure greater accountability. The Bill accordingly seeks to enhance criminal liability and impose severe punishment on whoever being a public functionary or public servant aids, abets, assists or allows or facilitates through negligence, inaction, illegal omission or dereliction of duty, or conceals commitment of or design to commit, or is guilty of complicity in committing or of illegal omission or dereliction of duty in investigation and action on criminal offences related to or in course of communal rioting or harm caused on religious, linguistic, racial or ethnical ground. The enhanced liability includes;

- (a) punishment with rigorous imprisonment for not less than seven years in addition to any punishment under the Indian Penal Code; and
- (b) permanent loss of the official position in the case of a public servant and, in the case of a public functionary (that is, any Minister including the Prime Minister and the Chief Minister) loss of seat in the Parliament or Legislature and permanent disqualification for the same.

In the unfortunate and devastating case of communal violence continuing for more than 48 hours, the Bill provides for (i) suspension of the highest police officer of the State/ Union Territory and of the district and the local area concerned and (ii) requires the appropriate Government to appoint a sitting High Court Judge to inquire into and report on whether there are any instances of complicity in crime or dereliction of duty, etc., on the part of any public functionary or public servant.

The Bill also responds to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide which calls upon States to provide effective penalties for persons guilty of genocide and complicity in genocide. The Bill lays down punishment with death.

The atmosphere of communal harmony is often vitiated by sweeping contemptuous imputations against religious, linguistic, racial or ethnic minority. To protect society and communal peace, the Bill provides for severe and deterrent punishment.

The Bill also removes the bar of period of limitation for taking cognizance of the criminal offence to which the Bill addresses itself.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 1, 2002

G.M. BANATWALLA

G. C. MALHOTRA,
Secretary-General.