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The Gazette of India

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

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th November, 2014:—

I

BILL No. XXI OF 2014

A Bill to provide for a total ban on use and import of white asbestos in the country and to promote the use of safer and cheaper alternative to white asbestos and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the White Asbestos (Ban on Use and Import) Act, 2009.

Short title and
commence-
ment.

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

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

Definitions.

(a) “appointed day” means the day fixed by the Central Government to ban the use and import of white asbestos which shall be within one month of the coming into force of this Act;

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

Declaration of ban on use and import of white asbestos in the public interest.

3. Whereas the object of the Act is such as to provide for a ban on use and import of white asbestos, which is a fibrous mineral and has been reported to be highly carcinogenic, it is hereby declared that the Act propose for the ban on the use and import of white asbestos is in the public interest.

Ban on use and imports of white asbestos.

4. (1) On and from the appointed day, there shall be a ban on the use and import of white asbestos;

(2) Whoever imports or uses white asbestos after the appointed day shall be guilty of violating the provisions of this Act.

Penalty.

5. Whoever found guilty of violating the provisions of this Act shall be punished with imprisonment, which may extend to three years or with fine, which may extend to rupees two lakh or with both.

Offences by Companies.

6. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary or other Officer of the company such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section:—

(i) "company" means anybody corporate and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

Central Government to provide safer and cheaper alternative to white asbestos.

7. The Central Government shall promote and encourage the use of safer and cheaper alternative to white asbestos and provide sufficient fund for research and development in the field in such manner as may be prescribed.

Power to remove difficulties.

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

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

Act to have overriding effect.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to use and import of white asbestos.

Power to make rules.

10. 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

The white asbestos is highly carcinogenic even the World Health Organisation has reported that it causes cancer. It is a rare fibrous material that is used to make rooftops and break linings. More than fifty countries have already banned the use and import of white asbestos. Even the countries that export it to India prefer not to use it domestically. But in our country, it is imported without any restriction. Canada and Russia are the biggest exporters of white asbestos. It is quite surprising that our country is openly importing huge quantity of a product, which causes cancer. This is despite the fact that safer and almost cheap alternatives to asbestos are available in the country. Instead of importing a hazardous material, it will be better if we spend some money in research and development and use environment friendly product. In view of the above, there is an urgent need for a total ban on the import and use of white asbestos and promote the use of alternative material.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall provide funds for research and development for alternative products to white asbestos. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

II

BILL NO. XXII OF 2014

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

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

Short title and
commencement.

1. (1) This Act may be called the Supreme Court (Establishment of a Permanent Bench at Nagpur) Act, 2014.

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

Establishment
of a
Permanent
Bench of
Supreme
Court at
Nagpur.

2. There shall be established a permanent bench of the Supreme Court at Nagpur with such number of judges of Supreme Court as the Chief Justice may with the approval of President decide, to exercise jurisdiction in respect of cases arising in the states of Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Orissa, Madhya Pradesh, Chhattisgarh, Jharkhand, Goa and Maharashtra and the Union Territories of Puducherry, Dadra and Nagar Haveli, Lakshadweep and Andaman and Nicobar Islands and such other territory as may be notified by the Central Government with the approval of the Chief Justice:

Provided that the number of judges at the bench at Nagpur shall not be less than nine.

STATEMENT OF OBJECTS AND REASONS

India is the seventh largest country in the world in terms of area. It is the second most populated country next to China. However, there is only one bench of the Supreme Court to decide cases arising in whole of the country. Article 130 of the Constitution says that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President from time to time appoint. The language of the article clearly indicates that there was an intention of the founding fathers of the Constitution to have more than one seat of the Supreme Court. But so far no thought has been given to the idea of having another bench of the apex court despite the fact that the population of the country which was around 35 crore at the time of independence has now swollen to over 120 crore and there is proportionate increase in the cases in the Supreme Court. Litigant public has to travel thousands of kilometres to follow up their cases in the Supreme Court which is seated in Delhi. This not only adds to their financial burden but also results in wastage of a lot of time in travelling and staying in Delhi. The litigants in southern and central part of the country find it inconvenient and expensive. Therefore, its high time that a bench of the Supreme Court be established for the convenience of the public at large for which Nagpur is the most appropriate place.

Geographically, Nagpur is the most ideal place for setting up the bench of the apex court as it is almost at the centre of the country. A bench of the Supreme Court at Nagpur will provide a big relief to the litigant public of southern as well as the central part of the country and will provide them convenient and affordable justice.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be a permanent bench of the Supreme Court at Nagpur. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees two crore per annum.

However, a non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

III

BILL NO. XXIII OF 2014

A Bill to provide for protection of personal data and information of an individual collected for a particular purpose by one organization, and to prevent its usage by other organization for commercial or other purposes and entitle the individual to claim compensation or damages due to disclosure of personal data or information of any individual without his consent and for matters connected therewith or incidental thereto.

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Personal Data Protection Act, 2014.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Definitions.

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

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

(b) "Data Controller" means Data Controller appointed under section 6.

(c) "personal data" means information or data which relate to a living individual who can be identified from that information or data whether collected by any Government or any private organization or agency;

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

(e) "processing" means obtaining, recording or holding the personal data or information of an individual and carrying out any operation on the information including alternation, disclosure, transmission, dissemination and destruction.

3. The personal data of any person collected for a particular purpose or obtained in connection with any transaction, whether by appropriate Government or by any private organization, shall not be put to processing without the consent of the person concerned:

Provided that personal data of any person may be processed for any of the following purposes:—

(a) the prevention or detection of crime;

(b) the prosecution of offenders; and

(c) the assessment or collection of any tax or duty:

Provided further that no consent of the individual shall be required if the personal data details of the individual are obtained through sources which have been made public.

4. The personal data of any person collected by an organization whether government or private, shall not be disclosed to any other organization for the purposes of direct marketing or for any commercial gain:

Personal data not to be disclosed.

Provided that personal data of any person may be disclosed to charity and voluntary organizations after obtaining prior consent of the person.

5. Every person whose personal data or details have been processed or disclosed for direct marketing or for any commercial gain without consent shall be entitled to compensation for damages in such manner as may be prescribed.

Compensation for damages in case of disclosure of data information.

6. (1) The appropriate Government shall, by notification in the Official Gazette, appoint as many Data Controllers as may be necessary for over viewing the complaints relating to processing and disclosing of personal data and claim for compensation:

Appointment of Data Controller.

Provided that there shall not be more than three Data Controllers in a State or a Union Territory.

(2) The terms and conditions of service of the Data Controller shall be such as may be prescribed.

(3) The appropriate Government shall provide such number of officers and staff as may be necessary efficient functioning of the Data Controller.

(4) The procedure for appointment of the Data Controllers, their powers and functions shall be such as may be prescribed.

7. Every organization, whether Government or private, engaged in the commercial transaction and collection of personal data of persons shall:—

Obligation on organization collecting personal data.

(i) report to the Data Controller the type of personal data and information being collected by them and the purpose for which it is being or proposed to be used;

(ii) take adequate measures to maintain confidentiality and security in the handling of personal data and information; and

(iii) collect only such information that is essential for completion of any transaction with the individual.

Appropriate Government to provide money. Penalty.

8. The appropriate Government shall, after due appropriation made in this behalf, provide such sums of money as it may think fit for being utilized for the purpose of this Act.

9. Whoever contravenes or attempts contravene or abets the contravention of the provisions of this Act shall be punishable with imprisonment for a term, which may extend to three years or with fine, which may extend upto ten lakh rupees or with both:

Provided that the compensation for damages claimed under section 5 shall be in addition to the fine imposed under this section.

Offence by companies.

10. Where a person committing a contravention of any of the provisions of this Act or of any rule, made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

Explanation.— For the purpose of this section:—

(i) "Company" means anybody corporate and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

Summary trial.

11. All offences under this Act shall be tried summarily in the manner prescribed for summary trial under the Code of Criminal Procedure, 1973.

2 of 1974.

Power to remove difficulties.

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

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

Savings.

13. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to protection of personal data.

Power to make rules.

14. 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

In our country, at present, there is no law on protection of personal information and data of an individual collected by various organizations. As a result many a time, personal information of an individual collected for a particular purpose is misused for other purposes also, primarily for direct marketing without the consent of the individual.

The personal data of an individual collected by an organization is at times sold to other organizations for paltry sum in connivance with the employees of the organizations. These organizations with the competition to out do each other enter into the privacy of individual by making direct marketing calls. There has to be some internal confidentiality standard within the system so that personal information of an individual may not be transferred to others, which, at times, causes a lot of distress and embarrassment.

In many countries this right of individual has been recognized as basic civil right as an extension of right to privacy and laws have been enacted to protect the personal data of individuals. Accordingly, there is a need to have a law in our country also for protection of personal information to ensure that personal information of an individual collected for a particular purpose should be used for that particular purpose only and is not revealed to others for commercial or other purposes.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 6, of the Bill empowers the appropriate Government to appoint Data Controllers for over viewing the complaints relating to processing and disclosing of personal information and claim for compensation. Clause 8 provides that appropriate Government shall make the funds available for being utilize for the purposes of this Act. Since the expenditure in respect of UTs shall be borne out by Central Government, the Bill if enacted will involve expenditure from the Consolidated Fund of India to the tune of rupees one crore per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules will relate to matter of details only, the delegation of legislative powers is therefore of normal character.

IV**BILL NO. XXV OF 2014**

A Bill further to amend the Constitution of India.

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

Short title,
and
commencement.

1. (1) This Act may be called the Constitution Amendment Act, 2014.

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

Amendment
of article
371.

2. In Article 371 of the constitution,—

(i) in clause (a) and its sub-clause (a) the words "Maharashtra, Vidharbha, Marathwada and the rest of Maharashtra or, as the case may be" shall be omitted.

(ii) after clause (2) the following clauses shall be inserted, namely:—

Special
provisions
with respect
to state of
Maharashtra.

3. Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Maharashtra, provide for any special responsibility of the Governor for—

(a) the establishment of separate development Boards for Vidharbha, Marathwada, Konkan and North Maharashtra with the provision that a report on the working of each of the Boards will be placed each year before the State legislature;

(b) the equitable allocation of funds for developmental expenditure over the said areas or regions, subject to the requirements of the State as a whole;

(c) requiring the development boards to,

(i) encourage investment in these regions;

(ii) develop irrigation facilities;

(iii) promote agriculture, horticulture and agro-based industries;

(iv) augment potable water facilities;

(v) develop power projects based on conventional and new and renewable energy sources;

(vi) encourage dairy development, cottage and village industries, healthcare facilities, education, vocational training, tourism and other activities.

(d) equitable opportunities and facilities for the people belonging to these areas or regions, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole;

(e) An order made under sub-clause (d) of clause, (3) may provide for:—

(i) reservation of a proportion of seats in educational and vocational training institutions in these regions for students who belong to the respective region by birth or by domicile; and

(ii) identification of posts or classes of posts under the State Government and in any body or organization under the control of the State Government in these regions of the State and reservation of a proportion of such posts for persons who belong to these regions by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order.

4. Notwithstanding anything in this Constitution, funds for the developmental works to be undertaken by the development Boards established under sub-clause (a) of clause (3) shall be borne by the Union.

STATEMENT OF OBJECTS AND REASONS

The State of Maharashtra is one of the big States of the Indian Union and it has made steady progress since independence. It is one of the industrially developed States and its capital Mumbai is known as the financial capital of the Nation, however, there are many regions in the State which are still backward. The Vidharbha region synonymous consistent suicides by farmers. The Marathwada, Konkan regions and the North Maharashtra are also very backward. Mother nature has also not been kind to the Vidharbha and Marathwada regions which always receive deficit rainfall and consistently face draught conditions. Successive crop failures and indebtedness force the farmers to end their lives. These regions are industrially, educationally and economically very backward. The land in these regions of the State is very fertile but irrigation facilities are minimal. Here quality grapes, pomegranates, oranges and other fruits are grown which are exported but due to non completion of irrigation projects and non availability of water, orchards have vanished from these regions. Water is not available even for drinking and traditional water bodies and rain water harvesting and not resorted to for use. In order to remove backwardness of these regions development boards needs to be established. The State Government has in the recent past requested the Central Government to amend the Constitution to pave the way for setting up development Boards but the proposals were rejected stating that the Planning Commission has not supported the proposal. Hence, in this Bill, development Boards for the Vidharbha, Marathwada, North Maharashtra and Konkan regions have been proposed with funding from the Central Government. This is necessary to accelerate development in these regions.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Sub-Clause (4) of clause 2 of the Bill provides that funds for the developmental works to be undertaken by the development boards established under this Bill shall be borne by the Central Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one lakh crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees fifty thousand crores may also involve from the Consolidated Fund of India.

V

BILL NO. XXVI OF 2014

A Bill to provide for the establishment of an Authority at the national level for identification and deportation of illegal immigrants who have come generally from the neighbouring countries in India and have settled in various parts of the country thereby increasing the burden on national resources and also to identify and deport the foreign nationals who go missing after coming to India after the expiry of their visa period and many of such immigrants and foreign nationals are threat to the national security and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority of India Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title,
extent and
commence-
ment.

Definition.

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

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

(b) "authority" means the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority of India established under section 3;

(c) "illegal immigrant" means a foreign national who comes to India without any visa or proper and valid documents issued by the designated authority of the Government of India in any foreign country and settles or attempt to settle in India in the garb of Indian citizen by obtaining ration card and other document by fraudulent means;

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

(e) terms and expressions used and not defined in this Act but defined in the Foreigners Act, 1946 shall have the meanings respectively assigned to them in that Act.

31 of 1946.

Establishment
of the Illegal
Immigrants
and Missing
Foreign
Nationals
Identification
and
Deportation
Authority of
India.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an authority to be called the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority of India for carrying out the purposes of this Act.

(2) The Head Office of the Authority shall be at Mumbai in the State of Maharashtra and the Authority may establish its regional or Branch offices at other places of the Country as it may deem necessary for the purposes of this Act.

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

(4) The Authority shall consist of,—

(a) a Chairperson who shall be a retired Judge of the Supreme Court or of a High Court to be appointed by the President of India;

(b) a Deputy Chairperson to be appointed by the Central Government with such qualifications and experience as may be prescribed;

(c) five Members of Parliament of whom three shall be from Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of the two Houses;

(d) five members to represent the Union Ministries of Home Affairs, External Affairs, Law and Justice, Planning and Defence respectively;

(e) four members of organisations which were spearheading agitations against illegal immigrants in the north-east and other parts of the Country to be nominated by the Central Government;

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order every three years;

(5) The term of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(6) The Authority shall have a Secretariat and subordinate offices with such officers and members of the staff to assist the Authority in discharging its functions on such terms and conditions of services as may be prescribed from time to time by the Central Government.

Functions of
the Authority.

4. (1) Subject to the guidelines issued by the Central Government under the provisions of this Act from time to time, the Authority shall perform and undertake such special steps in close coordination with the Governments of the States, Union Territory Administrations various Central and State level investigating agencies, intelligence agencies, local police, Border Security Force and such other forces and Union Ministries of Home Affairs and External Affairs for the identification of illegal immigrants and their nationality and the

foreign nationals who have gone missing after their arrival in India on expiry of their visa period and to ensure their deportation from India to the Countries to which they belong.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) of section 4, the Authority shall,—

(a) formulate guidelines for identifying illegal immigrants and their respective nationality and those foreign nationals who have gone missing after their arrival in the country;

(b) direct the appropriate Government for the deportation of identified illegal immigrants and missing foreign nationals to their countries;

(c) facilitate speedy hearing of cases against illegal immigrants and missing foreign nationals;

(d) direct the appropriate Government to,—

(i) stop every assistance provided by such Government to the illegal immigrants and missing foreign nationals;

(ii) impound the ration card, voters identity card and such other documents procured fraudulently by the illegal immigrants and missing foreign nationals;

(iii) delete the names of illegal immigrants and missing foreign nationals from the electoral rolls, if, included inadvertently or fraudulently;

(iv) terminate the services of illegal immigrants and missing foreign nationals in case they are employed either in Government service or in private sector;

(v) recover the loans borrowed by illegal immigrants or missing foreign nationals;

(vi) take action on priority basis for the deportation of illegal immigrants and missing foreign national to their countries;

(vii) take such other actions as the Authority may deem necessary for carrying out the purposes of this Act.

(2) It shall be the duty of the appropriate Government to take, as soon as may be, necessary action as directed by the Authority.

5. It shall be the duty of the Authority as well as of the appropriate Government to ensure that no inconvenience is caused to any bona fide Indian citizen while implementing the provisions of this Act.

Authority to ensure that inconvenience is not caused to bonafide citizens.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary and adequate for the performance of the functions of the Authority under this Act.

Central Government to provide funds.

7. The Authority shall prepare once in every calender year in such form and at such time as may be prescribed, as annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the President of India who shall cause the same to be laid before both the Houses of Parliament.

Annual Report.

8. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to illegal immigrants and missing foreign nationals in the country.

Act to have over-riding effect.

Power to
remove
difficulty.

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

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

(2) Every order made under sub-section (1) shall, as soon as may be, after it is made, be laid before both the Houses of Parliament.

Power to make
rules.

10. 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

Our Country is very vast and quite a good length of its borders are open along with the neighbouring Countries which are poor as per the international standards. Since our border are quite porous a large number of poor people from such Countries infiltrate into our Country as illegal immigrants and have settled in various parts of the Country. Since they are from the neighbouring Countries many of which were once parts of India, they easily mix up with the local population and it is very difficult to identify them. Special efforts are required to detect them. As a result, there are millions of illegal immigrants and their infiltration is continuing unabated. Their number has swelled in the north-east region national capital and several other parts of our Country. Our Country is overpopulated and struggling hard to provide the necessities of life to its own citizens and can hardly afford to feed and sustain these illegal immigrants. These illegal immigrants are not only increasing the numbers of our overpopulated nation but have been found indulging in criminal and anti-India activities. They are helping the terrorist activities against our Country and creating law and order problem in the Country particularly in the urban areas by indulging in thefts, snatchings, looting and other crimes. Similarly, quite a large number of foreign nationals come to our Country on a short term visa and before the expiry of such visa, they disappear and go missing in the Country. Many of such foreign nationals later on have been nabbed found spying and indulging in disruptive activities in the Country.

But it is unfortunate that such illegal immigrants and missing foreign nationals acquire ration cards, electors cards etc. in connivance with some greedy elements in the administration to show them as Indian citizens. Thereafter, these unwanted illegal immigrants and missing foreign nationals are cleverly creating difficulties for the genuine Indian citizens and usurping their rights. As such to get rid of them, it has become necessary to identify them on priority and deport them to their Countries.

Till recently the Illegal Migrants (Determination by Tribunals) Act, 1983 (Act No. 39 of 1983) was there to deal with the illegal immigrants but the same has since been declared *ultra vires* of the Constitution by the Supreme Court. The Union Government has done nothing either for the validation of the struck down law or have another law in its place. As such at present there is no law in place to deal with the illegal immigrants. Now for both the illegal immigrants and the missing foreign nationals the provisions of the Foreigners Act, 1946 (Act No. 31 of 1946) can only be invoked which are not adequate to deal with this gigantic problem. As such a new law has to be enacted to deal with these twin issues.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Establishment of the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority along with its Secretariat. Clause 6 makes it obligatory for the Central Government to provide requisite funds to the Authority for performing its functions. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. Though it is not possible to quantify the amount at this stage it is estimated that a sum of rupee three hundred Crore may involve as recurring expenditure per annum.

A sum of rupee one hundred Crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VI

BILL NO. XXVII OF 2014

A Bill to provide for the welfare measures for the homeless citizens living on the pavements of roads, under the bridges, flyovers, bus stops, railway yards, in parks or under the open sky in any public place in the Metropolitan cities and other urban areas, to be undertaken by the State and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Homeless Pavement Dwellers (Welfare) Act, 2014.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

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

(b) "pavement dweller" includes the persons living on the pavement of roads or footpaths, under the bridges, flyovers, bus stops, railway stations or yards, in parks or under the open sky in any public place in the metros and urban areas;

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

National Welfare policy for pavement dwellers.

3. (1) The Central Government shall, in consultation with the Governments of the States and Union Territory Administrations, as soon as may be, but within one year of the commencement of this Act, formulate a national welfare policy for the poor homeless pavement dwellers for being uniformly implemented across the country by the appropriate Governments.

(2) Without prejudice to the generality of the provisions of sub-section (1) the welfare policy referred to therein may provide for,—

(a) recognition of right to live on pavements of the dwellers so that they are not chased out by the Police and civic authorities till alternative shelter is made available to them;

(b) humanitarian approach towards their homelessness and acute poverty by the authorities of different Government agencies;

(c) construction of sufficient numbers of night shelters or Rain Baseras with basic facilities at conspicuous places;

(d) provision of necessary healthcare with free check ups including diagnostic ones and medicines through mobile dispensaries;

(e) provision of public taps for potable water;

(f) facility of mobile toilets or of Sulabh toilets wherever possible with bathing facility;

(g) facility of bed sheet and Durrý once a year on per person basis;

(h) facility of blanket and woollens for each person during winter season;

(i) free food for the dwellers twice a day;

(j) free distribution of mosquito nets to save them from malaria, dengue and other vector borne diseases;

(k) free education to the children of dwellers with provision of free books, stationery and other educational materials dresses, shoes, etc. with hostel facilities in deserving cases and vocational training and career counseling for the growth of such children;

(l) necessary assistance in cash, kind, advice for self employment of the dwellers;

(m) withdrawal from begging and other crimes and reforming them in a time bound manner;

(n) such other measures as may be deemed necessary for the purposes of this Act.

(3) It shall be the duty of the appropriate Government to implement the welfare measures prescribed under this Act in letter and spirit and in such manner as may be prescribed.

Central Government to provide requisite funds.

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

Power to remove difficulty.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the Government of a State shall be guided by such directions and instructions on questions of policy as may be given to it by the Central Government.

Act to have overriding effect.

6. The provisions of this Act and of rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act.

Power to make rules.

7. 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

Due to population explosion in the Country the problem of homelessness has become quite acute and has become more so in the urban areas. This problem is multiplied when the people from rural areas migrate to urban areas in search of green pastures and pursue their dreams of better life. But having a roof over their heads remains a distant dream for most of them. After the hard work of the day, they chose some pavements to sleep during the night under the open sky. Mumbai is one such Metropolitan city, the financial hub of the nation, which attracts the people from across the country to try their luck in Bollywood or elsewhere and for most of them pavements of Mumbai provide sleeping space. At present millions of people live and subsist on the pavements or footpaths of Mumbai struggling for basic amenities of two square meals and healthcare by various means. Similar is the case of other Metropolitans and other urban areas of the rest of the Country. These poverty stricken pavement dwellers face the vagaries of nature particularly during the rainy and winter seasons. They have no other options but to live in inhuman conditions falling victims of diseases and many a time lose their lives. This winter alone hundreds of such pavement dwellers lost their lives due to severe cold in Delhi and other urban areas of north India.

Ours is a welfare State and it is the duty of the State to protect its citizens who are poor, homeless and end up on the pavements. The State must implement Welfare measures for such citizens of the nation.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the national welfare policy for pavement dwellers which include several amenities for such dwellers. Clause 4 makes it obligatory for the Central Government to provide requisite funds for carrying out the provisions of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty thousand crore may involve as recurring expenditure per annum.

A sum of rupees ten thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. XXIV OF 2014

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

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

Short title.

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2014.

Amendment
of the
Constitution
(Scheduled
Castes) Order,
1950.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950,—

C.O. 19

(a) in Part XVIII.—Uttar Pradesh,—

(i) for entry 18, substitute,—

"18. Beldar, Bind";

(ii) for entry 36, substitute,—

"36. Gond, Gaur, Godiya, Kahar, Kashyap, Batham"

(iii) for entry 53, substitute,—

"53. Majhwar, Kewat, Mallah, Nishad"

(iv) for entry 59, substitute,—

"59. Pasi, Tarmali, Bhar, Rajbhar"

(v) for entry 65, substitute,—

"65. Shilpkar, Kumhar, Prajapati"

(vi) for entry 66, substitute,—

"66. Turaiha, Dheemar, Dheewar, Turaha, Turha".

STATEMENT OF OBJECTS AND REASONS

Uttar Pradesh is the most populous State of the Country. There are several castes here which are equally backward on all fronts. People from castes such as Bind, Bhar, Rajbhar, Gaur, Kashyap, Kahar, Godiya, Batham, Dheewar, Dheemar, Mallah, Kewat, Nishad, Kumhar, Prajapati, Turha, Turaha are living in large numbers in this State. The reports of surveys/studies conducted by Scheduled Castes/Scheduled Tribes Research and Training Institute, Uttar Pradesh show that untouchability exists as a traditional practice among the above mentioned sub-castes and this continues to prevail even today. From the viewpoint of the practice of inter marriages, life style, vocation and customs, Beldars, Gonds, Majhwars, Pasi, Tarmali Shilpkars, Turaiha have similar tradition as they are their synonymous names. It is similar to the addition of Dhusia or Jatav with Chamar at entry 24 in Part XVIII—Uttar Pradesh. Hon'ble Supreme Court has directed in the *Bhaiya Ram Munda versus Anirudha Patar*, A.I.R. 1971, SC page 2523 to include the different castes of Machhuwa (fisherman) community in the Scheduled Caste, which had been left out earlier, but they have still not been included in the list of Scheduled Castes of Uttar Pradesh notwithstanding with fact that their socio-economic and educational condition is worse than those of other castes. People who belong to this community with synonymous castes names are getting the benefit of reservation in many States other than Uttar Pradesh. Therefore, the benefit of reservation should be extended to these people in Uttar Pradesh as well. The Government of Uttar Pradesh has sent a request to the Central Government in the year 2004, 2006, 2007 and last time on 15th February, 2013 to include them in the list of Scheduled Castes by an amendment in article 341 of the Constitution. But despite the fact that these synonymous castes fulfil all the criteria required for being included in the list of the Scheduled Castes, the Central Government has not taken any action in this regard.

Therefore, these castes are eligible for inclusion in the list of the Scheduled Castes as appearing in Part XVIII—Uttar Pradesh of the Constitution (Scheduled Castes) Order, 1950.

The Bill seeks to achieve the above objectives.

VISHAMBHAR PRASAD NISHAD

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for inclusion of 17 castes in the list of Scheduled Castes of Uttar Pradesh, which are synonymous with the castes already included in said list. As a result, people belonging to these newly added communities will become entitled for the benefits of the schemes which are in place for the development of people from Scheduled Castes and as such some recurring and non-recurring expenditure will be involved in this.

It is difficult to exactly estimate the actual expenditure on this count.

VIII**BILL NO. XXXI OF 2014**

A Bill further to amend the Constitution of India.

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

Short title
and
Commence-
ment.

- 1.** (1) This Act may be called the Constitution (Amendment) Act, 2014.
- (2) It shall come into force at once.

Amendment
of article
107.

- 2.** In article 107 of the Constitution, after clause 1, clause shall be inserted, namely:—

"(1A) The Government of India shall, within one year from the date of introduction of a Bill in either House of Parliament by any Member other than a Minister, express its stand on the Bill through a written statement by the concerned Minister in the House in which the Bill is introduced."

STATEMENT OF OBJECTS AND REASONS

Our Democratic Parliamentary system is one of best parliamentary systems in the world and is an example for other nations to follow.

Many Parliamentarians are very active to take part in various parliamentary activities. This is extremely healthy situation for our democratic parliamentary system and many Parliamentarians introduce Private Member Bills according to their perceptions in the country interest.

When Private Member Bills are introduced in Parliament, concerned Ministry must respond their views on these Bills. It is a different matter that Government may agree or disagree with the contents of the Private Member Bills. This in turn, will be extremely helpful to strengthen further our great democratic parliamentary system.

Hence this Bill.

MANSUKH L. MANDAVIYA

IX**BILL NO. XXIX OF 2014**

A Bill further to amend the Constitution of India.

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

Short title
and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2014.

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

Amendment
of article
130.

2. In article 130 of the Constitution, the following proviso shall be inserted, namely:—

“Provided that there shall be established a permanent Bench of the Supreme Court at Ahmedabad consisting of seven Judges who shall be nominated from amongst the Judges of the Supreme Court by the Chief Justice of India which shall also have appellate jurisdiction over cases decided by any High Court in order to administer justice and exercise control over cases arising in the states of Gujarat, Maharashtra, Madhya Pradesh, Rajasthan and Union Territory of Daman & Diu.”

STATEMENT OF OBJECTS AND REASONS

There are at present 29 States and 7 Union Territories. During the last four year workload of the Supreme Court has increased manifold which is creating tremendous burden on the Supreme Court, resulting in delay in justice. This puts question mark in efficiency of our judicial system. Even the Law Commission has also recommended the Central Government to bifurcate Supreme Court in four zones to enhance timely disposal of long pending cases pending before the Supreme Court. Our Society is taking more and more interest in judicial proceedings due to rising literacy and influence of media which brings more awareness of our society in our judicial system.

There is a need to establish a permanent bench of the Supreme Court at Ahmedabad to deal with the cases arising in the states of Gujarat, Maharashtra, Madhya Pradesh, Rajasthan and Daman and Diu urgently as the people from these states have to travel all the way to New Delhi in connection with their cases.

Hence this Bill.

MANSUKH L. MANDAVIYA

FINANCIAL MEMORANDUM

The Bill, enacted, will involve expenditure from the Consolidated Fund of India in respect of administration of the Supreme Court Bench at Ahmedabad. It is likely that it will involve a recurring expenditure of about rupees five crore per year and rupees one hundred crore as a non-recurring expenditure.

X**BILL NO. XXX OF 2014**

A Bill further to amend the Constitution of India.

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

Short title
and
commence-
ment.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Amendment
of article,
155.

2. For article 155 of the Constitution, the following shall be substituted, namely:—

"155. The Governor of a State shall be appointed by the President by warrant under his hand and seal after considering views of the Council of Ministers of concerned State."

STATEMENT OF OBJECTS AND REASONS

Article 155 of the Constitution provides that the Governor of a State shall be appointed by the President. As per the existing practice, the Governor of a State is appointed by the President on the recommendation of the Central Government. The appointment and role of a Governor has many a times been beset with controversies. This has adversely affected the dignity of high constitutional post and also affects the functioning of the State Governments. Many times, it has been observed that due to lack of coordination and cordial relations between State Government and Governor of the concerned State, controversy erupts between two different authorities which is bad for our democratic system.

It is necessary that the views of the Council of Ministers of the concerned state should be considered while appointing the Governor to maintain cordial relation between two authorities of the State.

Hence this Bill.

MANSUKHL. MANDAVIYA

XI**BILL No. XXXV OF 2014**

A Bill to promote sports education and physical fitness for an all-round development of children in the country and to develop international standard sports infrastructure in the country, by making sports a compulsory regular subject in schools and providing equal opportunity and incentives to sportspersons across the country and for all matters concerned therewith and incidental thereto.

WHEREAS the Memorandum of Understanding between India and Netherlands signed in New Delhi on the Thirtieth day of January, 2014 recognises that India aims to create a lasting legacy with the development of sports infrastructure for promoting sports, education and allied areas along with India's ambition to host global sports events in the future:

AND WHEREAS the United Nations, in its resolution 58/6 adopted by the General Assembly and sponsored by India, on the third day of November, 2003, recognises sport as means to build a peaceful and better world and increased implementation of projects for development through sport:

AND WHEREAS the United Nations in its resolution 58/5 adopted by the General Assembly on the third day of November, 2003 recognises sport as a means to promote education, health, development and peace:

AND WHEREAS it is considered necessary to give effect to the said resolution.

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

1. (1) This Act be called the Compulsory Physical Fitness of Children through sports in Schools and Development of sports Infrastructure Act, 2014.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

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

(b) "Coach" means and includes any person involved with development of skills of an athlete for the sport;

(c) "Notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(d) "Physical Fitness" means optimal state of physical, mental health and well-being to be able to cope with daily needs and the ability to perform ones daily tasks efficiently; and

(e) "Sports" means the sports specified in the Schedule.

3. From such date, as the Central Government may, in consultation with the State Government, by notification in the Official Gazette Specify, training in Sports and Physical Fitness shall be imparted as a compulsory subject in all schools and there shall be endeavour to develop infrastructure of international standard along with over-all development of student by providing equal opportunities in sports to all Sportspersons, create awareness, reduce stress and develop skill in sports as a whole in the country to achieve excellence in the international arena.

Sports and
Physical
Fitness as a
regular Subject
in Schools.

4. The appropriate Government shall ensure Capacity and Awareness building programs in sports through physical education that may include orientation on national cadets, scouts and guides, sports training and competitive sports along with demonstrations or workshops to guide students and help in building awareness about sports.

Mandatory
Capacity and
Awareness
Building
Programs.

5. The appropriate Government shall issue guidelins to be followed by each school to,—

Guidelines to
be followed by
Schools.

(a) treat sports as a regular subject as a part of the curriculum in school, with separate theory and practical training for the students' mental well-being and Physical fitness;

(b) make evaluation of the subject through continuous grading and examinations so that the subject has equal weight-age as other academic subjects;

(c) mandatorily include the result of the subject as part of the regular mark-sheet obtained by the students in school;

(d) mandatorily allocate a minimum number of hours in a months, for the training to be impressed to students from sixth to twelfth;

(e) allow students to choose from various sports with accredited coaches and coaching facilities:

Provided, that schools may choose to offer separate sports to students, depending on their infrastructure and accessibility to sports infrastructure.

Special
Provisions for
Physically
Challenged
Students.

6. The appropriate Government shall ensure that schools shall have special provisions for physically challenged students to,—

(i) engage them into games and less-physically involving sporting activities like Chess and Carrom.

(ii) arrange for special assistance programs in each school for those physically challenged students who fail in the module or course:

Provided that the special assistance program for physically challenged students shall be scheduled before or after regular school hours, to support the students to gain insights and strive to bring each student on the same platform as against failing them in the module.

Adequate
access to
sports
infrastructure.

7. (1) The appropriate Government shall take measure to ensure that the necessary sports infrastructure is provided or arrangements to avail such infrastructure is made in all schools which do not possess sufficient sports infrastructure to facilitate the training by,—

(i) facilitating free access to Sports Authority of India infrastructure in the divisional and district sports complex;

(ii) making necessary transport arrangements for students to avail the nearest facility accompanied by at least one school sports staff personnel in accordance with the strength of students in school;

(2) Every school and respective school board shall maintain a record of students availing sports infrastructure with a view to determine aid, assistance or funds to the respective schools.

(3) Every divisional or district sports office or the place where the schools are availing the facilities shall maintain a record for consideration by the appropriate Government while granting funds for the upgradation of the divisional or district sports infrastructure facilities.

Selection
procedure for
international
and national
sporting
events.

8. The appropriate Government shall regulate the selection of sportspersons for international and national events by selecting who qualify the standard selection criteria, in relation to international parameters and norms as benchmark provided that the appropriate Government may authorise the Sports Authority of India for regulating the selection under this section.

Promoting
sports as a
profession
and creating
awareness
about
antidoping
regulation.

9. The appropriate Government shall take necessary measures to spread awareness about sports education, including the right use of sports medicines, regulations on anti-doping and other malpractices along with incentivising and promoting sports as a serious profession.

Development
of Sports
infrastructure
according to
international
parameters.

10. (1) The appropriate Government, by notification in the Official Gazette, shall mandate that any new infrastructure to be built in the country to be in accordance with international norms and guidelines as set by the International Olympic Committee for the development of Sports infrastructure by,—

(a) building both soft and hard infrastructure by taking international standards as benchmarks for the purpose of easing the accessibility to infrastructure for Sports and games by Sportspersons;

(b) commissioning sports infrastructure in Divisional, State and National Level, in rural and urban parts of the country; and

(c) commissioning the construction of separate infrastructural facilities for both men and women in each sporting facility, like toilets and changing rooms etc.

(2) The appropriate Government shall ensure to provide at least minimum basic sports infrastructural facilities at the grassroots level, like in villages and small towns to encourage sportspersons.

(3) The appropriate Government shall invest in the scaling up of the quality of infrastructure at major towns and regional centres.

11. The appropriate Government shall frame guidelines to promote talent and give incentives to students and sportspersons who represent the country and bring laurels at the national and international level, by—

Incentives to and promotion of Sportspersons.

(a) rescheduling of examinations, compensation of attendance and granting credits or by providing equitable credit system where in extra credits and grades shall be given to ensure that the students do not lose out or refrain from taking up sports at an extra-meritorious level; and

(b) providing job opportunities, preference for government loans, concession on travel fares and minimum financial benefits.

12. (1) The appropriate Government, shall ensure that Government owned or Public Sector Undertaking Companies take responsibility for supporting talent and promising sportspersons who have achieved State, National and International accolades by,—

Public Sector undertakings to promote and Support Sportspersons.

mandating a quota for employment and funding expenses for meeting sports expenditure in the requirement of equipments and medical aid for sportspersons;

(2) All such Govt. owned or PSU companies as mentioned in clause (2) shall provide sports by allowing, not just their employees and sportspersons, but even the general public and schools to avail their sports infrastructural facilities.

13. The appropriate Govt. shall decrease the audit grants and aids to a school if that school fails to comply with any of the provisions of this Act.

Penalty.

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

Central Government to provide funds.

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

Power to remove difficulty.

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

Power to make rules.

THE SCHEDULE

[See Section 2C)]

Sl. No.	Name of Sport
1.	Aero Sports
2.	Archery
3.	Athletics
4.	Atya Patya
5.	Aquatics
6.	Badminton
7.	Ball Badminton
8.	Baseball
9.	Basketball
10.	Billiards and Snooker
11.	Bridge
12.	Body Building
13.	Boxing
14.	Carrom
15.	Chess
16.	Cricket
17.	Cycling
18.	Cycle Polo
19.	Equestrian
20.	Fencing
21.	Football
22.	Golf
23.	Gymnastics
24.	Handball
25.	Hockey
26.	Ice Hockey
27.	Judo
28.	Kabbadi
29.	Kayaking and Canoeing
30.	Karate Do
31.	Kho-Kho
32.	Korfball
33.	Mallakhamb
34.	Mind Sports

Sl. No.	Name of Sport
35.	Motor Sports
36.	Netball
37.	Paralympic Sports
38.	Polo
39.	Power-lifting
40.	Rowing
41.	Roller Skating
42.	Rugby
43.	Sepak Takraw
44.	Shooting
45.	Shooting Ball
46.	Soft Ball
47.	Soft Tennis Ball
48.	Special Olympic Sports
49.	Sports for deaf persons
50.	Squash Rackets
51.	Table Tennis
52.	Taekwondo
53.	Tennis
54.	Tenni-koit
55.	Tennis Ball Cricket
56.	Ten Pin Bowling
57.	Triathlon
58.	Throw Ball
59.	Tug of War
60.	Volleyball
61.	Weightlifting
62.	Winter Games (Skiing and Snowboarding)
63.	Wrestling (Free Style and Greco Roman)
64.	Wrestling (Indian Style)
65.	Wushu
66.	Yachting

STATEMENT OF OBJECTS AND REASONS

India is home to a billion plus population. However, our dismal performance at International sports like the Olympics, Asian Games and the Common Wealth Games make it evident that there is an absence of thrust in sports in the country. Clearly, our culture and attitude towards sports is a major deterrent towards improving sporting standards in our country. Promoting sportpersons while providing equal opportunity, incentives and access to sporting facilities is essential, however, changing the attitude of people and bringing seriousness about sports education and training in physical fitness is of utmost importance. Moreover, sporting activities are means of a holistic development for all, a potential tool for the physical and mental well-being of people by inculcating values of leadership, team-work, endurance, and focus along with bringing exposure, helping in skill development and increasing immunity towards various illnesses that in turn would increase the productivity of people and hence boost economic development throughout the country.

The United Nations recognises sport as a low-cost and high-impact tool in humanitarian development and peace-building efforts, the standard of which is increasingly being recognised. In India the prevalent scenario does not provide for students and sportpersons to excel in the arena of sports, leave alone emphasizing the importance of sports in physical fitness. Many schools across the country barely recognise the necessity of including sports in their schedule. The education system needs to be revamped to give sports an equal importance in the holistic upbringing of future flag-bearers of the country.

The lack of infrastructural facilities and training of international standards are major impediments in the process of development of sports in India. Moreover, considering Sports as a serious career option comes at the cost of education and job opportunities, falling attendance, grades and the struggle to earn a livelihood. Added to that is the cost and struggle to avail sporting facilities in various parts of the country. This shouldn't be used in excuse and deter the Government to wash their hands off the responsibility of providing for sporting facility, from the grassroots level, in villages and small towns to upgrade the quality of infrastructure at major towns and regional centres.

This Bill strives to give sports education and physical fitness a status at par with other academic subjects taught at schools and hence makes sports education a compulsory module in all schools across the country, the evaluation of which would be through continuous grading and examinations as is the case with other subjects. Moreover, the Bill lays guidelines for schools to arrange for special assistance programs for those who fair poorly in the evaluation of the sports module to monitor their progress and physical fitness. The Bill seeks to make guidelines for the building of such infrastructure to meet the benchmark of international parameters. This is a step towards promoting a culture of sports and making the facility easily accessible to all sportpersons.

Also, the Bill seeks to give incentives to those who excel in any field of sport by providing concessions and financial benefits, along with mandating all Public Sector Undertakings and Enterprises to provide compulsory quota for employment of sportpersons and make available their sporting infrastructure to all willing sportpersons in the country, as part of their social responsibility. Creating awareness about sports and physical fitness is imperative to empower sportpersons and student alike for their overall development, in order to harness the talent and potential of the youth and bring international acclaim to India.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides sports and physical fitness education as a compulsory and regular subject in schools. Clause 4 of the Bill mandates capacity and awareness building programmes. Clause 6 allows for special provisions for physically challenged students to participate in sports. Clause 10 of the Bill lays down guidelines to be adhered to while commissioning sports infrastructure in the country to meet international standard. Clause 14 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill does involve expenditure towards building of infrastructure of international standards whenever it commissions the building of any such infrastructure after the enactment of the Act for Union Territory. The Bill will also involve expenditure towards infrastructural facilities and awareness programmes.

The Bill, therefore, if enacted, will involve expenditure which cannot be estimated right now from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to the Central Government, in consultation with the State Governments, to make necessary rules for making rules, by notification in the Official Gazette for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

XII**BILL NO. XXVIII OF 2014**

*A Bill further to amend the Indian Penal Code, 1860 and
the Code of Criminal Procedure, 1973.*

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

CHAPTER I**PRELIMINARY**

Short title
and
commence-
ment.

- 1.** (1) This Act may be called the Criminal Laws (Amendment) Act, 2014.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II**AMENDMENTS TO THE INDIAN PENAL CODE, 1860**

Amendment
of Section
228A.

- 2.** In the Indian Penal Code, 1860 (hereafter in this Chapter referred to as the Penal Code) in section 228A, after clause 1, the following proviso shall be inserted, namely:—

45 of 1860.

“Provided that if the victim is the wife of the accused, the prohibition referred to in sub-section (1) shall apply in relation to the person against whom the allegation or accusation of rape offence is made as it applies to the women, but shall continue in force for the duration of the woman’s life only.”

3. In section 375 of the Penal Code,—

Amendment
of Section
375.

(i) after the proviso to Explanation 2, the following proviso shall be inserted, namely:—

“Provided further that a woman who is in a relationship, marital or otherwise, with the accused, shall not by the reason only of that fact, be regarded as consenting to the sexual activity.”

(ii) Exception 2 shall be omitted.

4. For section 376B of the Penal Code, the following section shall be substituted namely:—

Amendment
of Section
376B.

“376B. When imposing a sentence in respect to the offence of rape, the existing or past marital relationship between the accused and the complainant shall not be considered as justification for the imposition of lesser sentence.”

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974.

5. In the Code of Criminal Procedure, 1973, (hereafter in this Chapter referred to as the Code of Criminal Procedure) section 198B shall be omitted.

Amendment
of Section
198B.

6. In the First Schedule to the Code of Criminal Procedure, under the heading “OFFENCES UNDER INDIAN PENAL CODE”, the entries related to section 376B shall be omitted.

Amendment
of First
Schedule.

STATEMENT OF OBJECTS AND REASONS

Section 375 of the Indian Penal Code, 1860 states that sexual intercourse by a man with his own wife who is not less than 15 years of age is not considered as rape. Section 376B provides for a lesser punishment for the perpetrator for committing a sexual offence if the victim is his own wife, living separately, under a decree or otherwise. These provisions are based on the archaic notion of marriage which regards wives as no more than the property of their husbands. Specifically, Section 375 leaves child brides, already vulnerable, open to sanctioned marital rape.

The Prohibition of Child Marriage Act, 2006, prohibits the marriage of a girl less than the age of 18 years and according to the Criminal Law Amendment Act, 2013, the age of sexual consent is recognised as 18 years. This being the case, the exception given in Section 375 to marital rape is contradicting other laws. While one set of laws prohibit marriage of girls below the age of 18 years, the Indian Penal Code allows for sexual intercourse in marriage above the age of 15 years. For the law to be applied in an equitable manner, it is necessary to extent protection to minor girls under Section 375 of the Indian Penal Code.

The Beijing Declaration and Platform for Action recognises marital rape as a form of violence against women. The Justice Verma Committee had recommended that a marital relationship between the perpetrator and the victim should not be considered as valid defence against the crime of rape and sexual assault. The report said that ‘a rapist remains a rapist regardless of his relationship with the victim’. The UN Committee on Elimination of Discrimination of Women had also recommended that India should remove the exception of marital rape from the definition of rape. At least 52 countries had explicitly outlawed marital rape in their criminal codes by April 2011.

In view of the need to ensure equal protection of minor girls, protect the dignity of women in a marital relationship and in order to eliminate the notion of treating wives as the property of men, it is essential to repeal exception under Section 375 and 376 B of the Indian Penal Code.

Hence this Bill.

KANIMOSHI

SHUMSHER K. SHERIFF,
Secretary-General.