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

LOK SABHA

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

BILL NO. 83 OF 2014

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

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 Compulsory Voting Act, 2014.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. (1) On and from the date of commencement of this Act, it shall be compulsory for every citizen, who is eligible to vote at an election, to exercise his right to vote at an election when called for by the Election Commission:

Voting to be
compulsory
for all
citizens.

Provided that a citizen may be exempted from exercising his right to vote—

(a) if he is physically incapacitated due to old age or an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if he is physically challenged and is unable to go to a polling booth on his own; or

(c) if she is a pregnant woman and not in a position to withstand the physical strain; or

(d) if he, in the opinion of the Election Commission, suffers from a disability or infirmity of a nature, which makes him incapable of going to the polling booth on his own.

(2) Notwithstanding anything in sub-section (1), the Election Commission may allow a suitable attendant to aid or facilitate a citizen, exempted from exercising his right to vote, to exercise his right, if he makes a request to the Election Commission to this effect.

Adequate number of polling booths.

3. (1) It shall be the duty of the Election Commission to set up adequate number of polling booths at convenient locations, in every Assembly and Parliamentary constituency.

(2) The polling booths shall be set up in such a way that the distance between two polling booths does not exceed one kilometre:

Provided that in hilly, forest or desert regions, the Election Commission may set up mobile polling booths according to geographical convenience and density of population.

Facilities to be provided to persons who cast their vote.

4. Subject to such rules as may be prescribed, any citizen who is eligible to vote at an election and exercises his right to vote shall be provided with the following facilities:—

(a) foodgrains and other consumable items at subsidized rates through the public distribution system;

(b) social security benefits including old age pension, disability pension and health care facilities;

(c) reservation in posts and services under the Central Government; and

(d) priority in allotment of houses in any housing scheme launched by the Central Government.

Punishment.

5. (1) The Election Commission shall cause to be prepared a list of names of all eligible citizens, who have not cast their votes, and submit it to the Central Government or the State Government, as the case may be.

(2) Any citizen, who fails to cast his vote shall—

(i) be liable to a fine of rupees five hundred for first failure and rupees ten thousand for each subsequent failure; and

(ii) be rendered ineligible to contest any election for a period of ten years from the date he failed to cast his vote.

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. It has a strong parliamentary system. Since 1951, free and fair elections to the Houses of Parliament, State Legislatures and local bodies have been held at regular intervals. Indian elections are a benchmark for many other countries.

At present a candidate is declared as elected even if he secures one vote more than the votes polled to his nearest candidate. Though he has won the seat, yet he may not have the support of even half of the electors. In the true sense, he is not representing the constituency from which he has been elected.

The percentage of votes polled at every election is decreasing which shows that people are not willing to participate in the election process. Sometimes in some of the constituencies, as low as thirty per cent. of the total votes are polled.

Therefore, it is proposed to make voting compulsory so that the people can participate in a large number. It is also proposed to provide certain incentives to those voters who exercise their right to vote in elections to the House of the People or State Legislatures.

Hence this Bill.

NEW DELHI;
July 7, 2014.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate number of polling booths in every constituency during election. Clause 4 provides for certain facilities to those voters who cast their votes at an election. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees four hundred crore is likely to be involved.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 73 OF 2014

A Bill further to amend the Indian Penal Code, 1860.

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 Indian Penal Code (Amendment) Act, 2014.

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

Substitution
of new
section for
section 124A.

2. For section 124A of Indian Penal Code 1860, the following section shall be substituted, 45 of 1860.
namely:—

Advocating
overthrow of
Government
by force or
violence.

“124A. Whoever, knowingly or wilfully, by words, either spoken or written, or by signs, or by visible representation or otherwise, advocates the overthrow of the Government or an institution established by law, by use of force or violence or by assassinating or kidnapping any employee of such Government or institution or any public representative or provokes another person to do such acts shall be punished with imprisonment which may extend to seven years, or with fine or with both.

Explanation.—Mere criticism or comments expressing disapproval of any act of the Government shall not constitute an offence under this section.”.

STATEMENT OF OBJECTS AND REASONS

The debate around section 124A of the Indian Penal Code, 1860 (IPC) is not new. This section penalizes sedition and was first introduced by the then British colonial regime in the year 1870 to deal with people spreading disaffection against the Government. Mahatma Gandhi described it as the "prince among the political sections of the IPC designed to suppress the liberty of the citizen". Gandhiji himself was charged with sedition many a times under this section. Other victims of this law include renowned nationalists like Bal Gangadhar Tilak and Annie Besant.

Several members of the Constituent Assembly—K.M. Munshi and T.T. Krishnamachari—in particular had questioned the relevance of such a law in a modern democracy. Even Pandit Nehru had termed it as "highly objectionable and obnoxious". However, section 124A not only remains in the statute book, but continues to be used regularly. There are several instances when this section has been misused by authorities and applied frequently against innocent civilians, activists, journalists and political opponents.

Recently, the arrest of anti-corruption activist and cartoonist Assem Trivedi on charges of sedition for making caricatures of Parliament, Constitution and the national emblem created huge public outcry. It is important to note that this was not a one-off incident. Previously, the sedition law had been applied to civil rights activist Binayak Sen and writer Arundhati Roy.

This raises serious questions about the relevance of this law in a modern constitutional democracy. Mahatma Gandhi, during his trial in 1922 had said, "Affection cannot be manufactured or regulated by the law. If one has no affection for a person, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote or incite violence". The Supreme Court has also taken a similar stand while evaluating the constitutional validity of this section in the Kedar Nath vs State of Bihar case, wherein the Court clearly laid down that the section should be applicable only for acts that incite violence or public disorder. The problem thus lies at the lower courts and the investigating authorities that continuously disregard Supreme Court's interpretation of the law.

If we compare the said provision in our statute book with other countries, we find that in most developed countries, the crime of sedition has been abolished from their statute books. United Kingdom and New Zealand have abolished it. Australia has also toned it down considerably. It has been used rarely in the United States and the courts have given wide protection to persons giving political speech, except in cases where it leads to lawlessness. The offence of sedition is considered unnecessary and inappropriate in modern liberal democracies, where the right of the citizen to criticise and challenge Government structures and processes is well accepted.

Thus, this Bill seeks to replace section 124A of Indian Penal Code with a new section that allows for exchange of ideas, however unpopular or radical they may be. It specifically excludes criticism of the Government from the ambit of the section. However, it imposes some reasonable restrictions on the exercise of this freedom by penalizing people who advocate the overthrow of Government by force or violence or by assassination or kidnapping of Government employees or public representatives. The maximum punishment is also reduced from life imprisonment to seven years.

These changes are aimed at safeguarding the right of the citizens to freedom of expression, while at the same time ensuring that unfettered freedom of some does not lead to violence or disorder for others.

Hence this Bill.

NEW DELHI;
July 7, 2014.

BAIJAYANT PANDA

BILL NO. 74 OF 2014

A Bill further to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

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

Short title.

1. This Act may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Act, 2014.

Amendment
of section 3.

2. In section 3 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the principal Act),—

34 of 2003.

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

'(ha) "mark" shall have the meaning as assigned to it under sub-section (m) of section 2 of the Trade Marks Act, 1999;'

47 of 1999.

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

'(ja) "Principal display area" means—

(i) in the case of box type packages, those two equal faces of the box which have the largest area and are visible under normal or customary conditions of sale or use;

(ii) in the case of conical or cylindrical type of packages, the entire curved area of the package which is visible under normal or customary conditions of sale or use; and

(iii) in the case of any other form or type of package, the entire surface area of the package which is visible under normal or customary conditions of sale or use;'

(iii) after clause (p), the following clause shall be inserted, namely:—

'(pa) "trade mark" shall have the meaning as assigned to it under section 2 of the Trade Marks Act, 1999;'

47 of 1999.

3. In section 5 of the principle Act, in sub-section (2), proviso (a) and (b) shall be omitted.

Amendment
of section 5.

4. In section 7 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment
of section 7.

"(4) The specified warning shall occupy at least sixty per cent of the principal display area of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply."

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

Restrictions
on printing
and packaging
of cigarettes
and other
tobacco
products.

"7A. Every package of cigarette or any other tobacco product shall comply with the following conditions, namely:—

(i) the business or brand or company name, trade mark or any other mark shall appear—

(a) on the outer surface of the package not more than once;

(b) in not more than one line; and

(c) horizontally below the specified warning with such font size and font style as may be prescribed;

(ii) the colour and texture of the outer and the inner surfaces of every package shall be such as may be prescribed;

(iii) a package shall not have any embossing, ridges, irregularities of shape or size, removable or folding tabs, inserts or onsets or any other embellishment; and

(iv) a package shall not be printed, painted or coated with an ink or material which changes colour with passage of time or becomes visible in certain light or reveals any text or picture when scratched."

STATEMENT OF OBJECTS AND REASONS

Tobacco use is responsible for nearly six million deaths every year across the world. If the use of tobacco remains unchecked, this number is likely to cross eight million by the year 2030. These deaths are an outcome of preventable causes. In our country itself, about one million people die every year due to use of tobacco. The Planning Commission puts the annual health cost of tobacco related diseases in India at approximately \$6.5 billion.

World Health Organisation under its Framework Convention on Tobacco Control recommends norms for packaging and labeling of tobacco products. It is believed that such norms can help to reduce the demand for tobacco products. Independent research studies conducted by other organizations have also concluded that removal of brand description from packages of cigarettes and other tobacco products reduce the appeal of smoking, especially among the youth.

In December 2012, Australia became the first country to enforce 'plain packaging' norms for tobacco products. Plain packaging requires standardization of packages across brands. It restricts tobacco industry logos, brand imagery, colours and promotional text appearing on packages. Brand and product names are allowed only in a standard colour, position, font style and size in a pre-defined area on the package. These norms have been introduced as a vital preventive public health measure in Australia.

This Bill amends the original Act to stipulate for plain packaging of tobacco products in India. It increases the size of the health warning and the accompanying graphic. It also prohibits advertisement of tobacco products in warehouses and shops at the point of sale. It is expected that these changes will help in reducing the consumption of tobacco and educate the citizenry about the ill-effects of tobacco use.

Hence this Bill.

NEW DELHI;
July 7, 2014.

BAIJAYANT PANDA

BILL NO. 101 OF 2014

A Bill to establish fast track courts for trial of cases involving criminal charges against elected representatives.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Fast Track Courts for Elected Representatives Act, 2014.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) In States and Union territories with a Legislature, the provisions of this Act shall come into force on such date as the State Government or, as the case may be, the Government of the Union territory may, by notification, appoint:

Provided that the notification shall be issued within one year from the date of commencement of this Act.

(4) In Union territories without Legislature, the provisions of this Act shall come into force on such date as the Central Government may, by notification, appoint:

Provided that the notification shall be issued within one year from the date of commencement of this Act.

(5) Any reference in any provision of this Act to the commencement of this Act shall, in relation to a State or a Union territory, be construed as a reference to the commencement of that provision in that State or Union territory, as the case may be.

Definitions.

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

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

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974.

(c) "Fast Track Court" means a Fast Track Court established under sub-section (1) or (2), as the case may be, of section 3;

(d) "Legislature of a State" includes the Legislature of the National Capital Territory of Delhi and the Legislature of Union territory of Puducherry;

(e) "municipality" means an institution (by whatever name called) of self-Government constituted under article 243Q of the Constitution;

(f) "panchayat" means an institution (by whatever name called) of self-Government constituted under article 243B of the Constitution; and

(g) "State Government" includes the Government of the National Capital Territory of Delhi and the Government of Union territory of Puducherry and the expression "State" shall be construed accordingly.

CHAPTER II

ESTABLISHMENT OF FAST TRACK COURTS

Establishment
of Fast Track
Courts.

3. (1) The Central Government shall, by notification, establish one or more Fast Track Courts for each Union territory without a Legislature to try criminal offences involving elected representatives of that Union territory.

(2) Every State Government shall, by notification, establish one or more Fast Track Courts within its jurisdiction to try criminal offences involving elected representatives of that State.

(3) Every Fast Track Court established under sub-section (1) or (2) shall exercise the jurisdiction, powers and authority conferred on such Court by or under this Act.

(4) The Fast Track Court shall sit at such place or places, as the appropriate Government may, by notification, specify.

(5) The Fast Track Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.

Provisions
relating to
Judges of Fast
Track Courts.

4. (1) Every Fast Track Court shall be presided by a Judge to be appointed by the appropriate Government.

(2) The appropriate Government may also appoint such number of additional Judges to the Fast Track Court as it may, on the basis of the assessment procedure laid down in sub-section (4), from time to time, deem necessary to appoint:

Provided that the appropriate Government shall record in writing the reasons for arriving at a decision on the number of Additional Judges to be appointed.

(3) Every appointment under sub-section (1) and sub-section (2) shall be made with the concurrence of the Chief Justice of the High Court exercising jurisdiction in relation to that State or Union territory, as the case may be.

(4) The number of additional Judges to be appointed under sub-section (2) shall be on the basis of an assessment of the requirement of the Fast Track Court and such requirement shall include, *inter alia*, the following,—

(a) rate of institution and disposal of cases;

(b) number of cases pending;

(c) nature or type of offences under trial and the duration of trial in each case;

(d) caseload per judge; and

(e) the number of cases where the trial was not completed within a period of ninety days.

Explanation.—For the purpose of this sub-section, caseload means the number of cases tried by a Judge.

(5) The assessment under sub-section (4) shall be made at least once in every twenty-four months and the number of additional Judges to be appointed under sub-section (2) shall be revised in accordance with such assessment:

Provided that the appropriate Government shall record the reasons, in writing, for such revision.

(6) A person shall not be qualified for appointment as a Judge or an Additional Judge of a Fast Track Court unless he is, immediately before such appointment, a Session Judge or an Additional Session Judge in any State.

(7) Where any Additional Judge is, or Additional Judges are, appointed in a Fast Track Court, the Judge of the Fast Track Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Fast Track Court among himself and the Additional Judge or Additional Judges and also for the disposal of urgent business in the event of his absence or in the absence of any Additional Judge.

(8) A Fast Track Court may, if it considers it expedient or desirable so to do, sit for any of its proceedings at any place, other than the ordinary place of its sitting, in the State or the Union territory in which it is established:

Provided that if the Public Prosecutor certifies to the Fast Track Court that in his opinion it is necessary for the protection of the accused or any witness or it is expedient in the interest of justice that the whole or any part of the trial should be held at some place other than the ordinary place of its sitting, the Fast Track Court may, after hearing the accused, make an order to that effect unless, for reasons to be recorded in writing, the Fast Track Court thinks it fit to make any other order.

(9) The expenditure in respect of the salaries, allowances and pensions payable to the Judges and Additional Judges of the Fast Track Court shall, in the case of a Fast Track Court established in a State, be charged on the Consolidated Fund of that State and in the case of a Fast Track Court established by the Central Government, be charged on the Consolidated Fund of India.

Provision relating to Public Prosecutors for Fast Track Courts.

5. (1) For every Fast Track Court, the appropriate Government shall appoint a Public Prosecutor for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the appropriate Government.

(2) The appropriate Government may also appoint such number of Additional Public Prosecutors to the Fast Track Court as it may, on the basis of the assessment procedure laid down in sub-section (4), from time to time, deem it necessary to appoint:

Provided that the appropriate Government shall record in writing the reasons for arriving at a decision on the number of Additional Public Prosecutors appointed.

(3) Every appointment under sub-section (1) and sub-section (2) shall be made with the concurrence of the Chief Justice of the High Court exercising jurisdiction in relation to such State or Union territory.

(4) The number of Additional Public Prosecutors to be appointed under sub-section (2) shall be on the basis of an assessment of the requirements of the Fast Track Court and such requirement shall include, *inter alia*, the following:—

(a) rate of institution and disposal of cases;

(b) number of cases pending;

(c) nature or type of offences under trial and the duration of trial in each case; and

(d) caseload per public prosecutor.

Explanation.— For the purpose of this sub-section, caseload means the number of cases conducted by a public prosecutor.

(5) The assessment under sub-section (4) shall be conducted at least once in every twenty-four months, and the number of Additional Public Prosecutors to be appointed under sub-section (2) shall be revised in accordance with such assessment:

Provided that the appropriate Government shall record the reasons in writing for such revision.

(6) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor if he is eligible to be appointed as a Public Prosecutor under section 24 of the Code.

2 of 1974.

(7) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code and the provisions of the Code shall apply accordingly.

2 of 1974.

Officers and staff of the Fast Track Court.

6. The appropriate Government shall, with the concurrence of the Chief Justice of the High Court exercising jurisdiction in relation to that State or Union territory, appoint sufficient number of officers and staff to assist the Fast Track Court in the discharge of its functions on such terms and conditions of service as may be prescribed by rules made under this Act.

CHAPTER III

PROCEEDINGS IN THE FAST TRACK COURTS

All cases involving elected representatives to be tried by Fast Track Courts.

7. (1) Notwithstanding anything contained in the Code or in any other law for the time being in force, all cases involving offences alleged to have been committed under any criminal law by a member of Parliament or Legislature of a State or a Panchayat or a Municipality shall be tried by the Fast Track Court having jurisdiction over the area where the commission of offence took place.

(2) Every case, application or proceeding relating to offences referred to in sub-section (1) pending before any Court, other than a High Court or the Supreme Court,

immediately before the date of issue of notification under sub-sections (1) and (2) of section 3 shall stand transferred to the Fast Track Court having jurisdiction in relation to that area and the Fast Track Court to which such proceeding stand transferred shall proceed with such cases from the stage at which they were pending at that time.

2 of 1974.

8. (1) Notwithstanding anything contained in the Code, the Fast Track Court shall conduct its proceedings on a day-to-day basis excluding public holidays.

Fast Track Court to try cases on day-to-day basis.

(2) The Fast Track Court shall complete every trial within a period of ninety days from the date of filing of the charge sheet in the Court:

Provided that where the trial cannot be completed within a period of ninety days, the Fast Track Court shall record in writing the reasons therefor and shall complete the trial within a further period of not more than ninety days.

(3) Subject to the provisions of this Act, a Fast Track Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence, as if it were a Court of Sessions, in accordance with such procedure as is specified in the Code for trial before a Court of Session.

9. The Supreme Court may direct transfer of any particular case from one Fast Track Court to another Fast Track Court if in the opinion of the Supreme Court, it is expedient for the ends of justice.

Transfer of cases from one Fast Track Court to another. Measures for keeping the identity and address of the witness secret.

10. (1) A Fast Track Court may, on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, give such directions, as it deem fit, for keeping the identity and address of the witness secret.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the directions which a Fast Track Court may give shall include—

(a) holding of the proceedings at a protected place;

(b) avoiding the mention of names and addresses of witnesses in its orders, judgements or any records of the case having access to the public; and

(c) ensuring that the identity and addresses of the witnesses are not disclosed.

(3) Any person who contravenes any direction issued under this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

2 of 1974.

11. (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgement, sentence or order, not being interlocutory order, of a Fast Track Court to the High Court both on facts and on law.

Appeal.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgement, sentence or order.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

The systemic flaws that pervade our judicial system have come into sharp focus in recent times. India is infamous for its snail-paced judiciary and the gargantuan pendency of cases in the subordinate and High Courts. As on 31st December, 2011, a massive three crore cases were pending in the High Courts and Subordinate Courts across the country; ten per cent. of such cases were pending for more than a decade.

At the level of the subordinate judiciary, criminal cases constitute seventy-one per cent. of the total cases pending before the courts. This shocking figure displays the apathy of the State towards the protection of its citizens. The ultimate aim of criminal law is the protection of personal liberty against invasion by others. In the words of Judge Curtis-Raleigh, “The law should not be seen to sit by limply, while those who defy it go free, and those who seek its protection lose hope”.

India has an overworked and understaffed judiciary. According to the Chief Justice of India, there are six judges per million people in India, an abysmally low number as compared to developed countries; the United States of America boasts of a ratio as high as 125 judges per million people. Despite the report of the Law Commission in 1987, which had recommended immediately raising this ratio to 50, and to 100 by the year 2000, no significant steps have been taken.

The judicial system needs a complete overhaul to facilitate fair trial and speedy justice. However, it must be recognized that improving the entire system will require significant investment and political will. Until such time that a complete overhaul can be undertaken, at the very least, we can initiate changes by attacking the roots of the problem.

One of the most cancerous of these roots is the criminalization of politics. As per the report of the Association for Democratic Reforms, 76 of the 543 members elected to the Lok Sabha in 2009 had been charged with serious charges such as murder, rape and dacoity. Not only does this reflect poorly on the country, but it is also highly demoralizing for the general public. There is an urgent need to break this criminal-political nexus, which can be facilitated only if criminal cases against elected representatives are expeditiously disposed.

Under the present system, political patronage and a ‘culture of adjournment’ collude to prevent speedy trial against elected representatives. In a country where the judicial system is overburdened, a simple tweak would be to ‘fast track’ criminal cases against elected representatives with a mandate that all relevant cases be adjudicated within ninety days. If this provision is put in place it will go a long way towards resolving the issue. Unlike some other proposals that bar candidates from contesting elections if charged with criminal cases, this solution does not vitiate the presumption of innocence.

This Bill seeks to establish Fast Track Courts in all States and Union territories of India with a mandate to ensure speedy trial of cases involving criminal offences by elected representatives. Cases involving elected representatives that are presently being tried across different courts in the country will stand transferred to the Fast Track Courts having jurisdiction in the area. Barring exceptional circumstances, a Fast Track Court shall complete trial within ninety days from the date of filing of charge-sheet.

To ensure that these Fast Track Courts don’t suffer from the same impediments as regular courts, this Bill provides that the number of Judges to be appointed to each court must be decided based on an objective criteria that takes into account caseload, pendency and most importantly, the percentage of cases that remain unresolved even after the stipulated deadline of ninety days. This provision will act as a check on the power of the executive to change the judicial strength of these courts.

Furthermore, to ensure that proceedings do not suffer due to ineffective or biased prosecution, this Bill prescribes that the Government must appoint public prosecutors with the 'concurrence' of the Chief Justice of the High Court having jurisdiction in the area. The number of prosecutors required for effective distribution of workload must also be decided based on an objective criteria, similar to the one used above. This will reduce Government discretion in appointment of prosecutors.

All Members of Parliament (MPs), Members of State Legislatures (MLAs and MLCs) and Members of Panchayats and Municipalities established under the State Panchayati Raj Legislations are sought to be covered under the provisions of the Bill. This implies that all elected representatives at the Centre, in the States and in local self-Government institutions such as Gram Panchayats, Block Panchayats or Panchayat Samitis, District Panchayats or Zila Parishads, Nagar Panchayats, Municipal Councils and Municipal Corporations will be subjected to the provisions of this Bill.

It is strongly felt that any attempt at decriminalizing politics will have to begin with this amendment. This will go a long way in restoring the confidence of our people in the judiciary and in redeeming the commitment of the political class towards justice.

Hence this Bill.

NEW DELHI;
July 7, 2014.

BAIJAYANT PANDA

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND
117(3) OF THE CONSTITUTION

[Copy of D.O. No. 15017/6/2013-JUS(M) dated 1 September, 2014 from Shri Ravi Shankar Prasad, Minister of Law and Justice and Communications and Information Technology to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Fast Track Courts for Elected Representatives Bill, 2014 by Shri Baijayant Panda, Member of Parliament, recommends the introduction and consideration of the Bill in Lok Sabha under clauses (1) and (3) of article 117, respectively, of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Fast Track Courts by the Central and State Governments to deal exclusively with cases involving offences committed by elected representatives. Clause 4 provides that every Fast Track Court shall be presided over by a Judge to be appointed by the appropriate Government. It also provides for appointment of Additional judges to the Fast Track Courts by the appropriate Government. It further provides that the expenditure in respect of the salaries, allowances and pensions payable in respect of the Judges and Additional Judges of the Fast Track Courts shall be charged on the Consolidated Fund of the respective States and in respect of Union territories on the Consolidated Fund of India. Clause 5 provides that the appropriate Government shall appoint public prosecutors and additional public prosecutors for the purposes of this Act. Clause 6 provides that the appropriate Government shall provide adequate number of officers and staff to assist the Fast Track Courts in their functioning. The expenditure in respect of States shall be met out of the Consolidated Fund of the respective States. However, the expenditure in respect of Union territories shall be met out of the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore will be involved as recurring expenditure per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that the appropriate Government may make rules for carrying out the purposes of this Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 69 OF 2014

A Bill further to amend the Code of Criminal Procedure, 1973.

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 Code of Criminal Procedure (Amendment) Act, 2014.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Substitution of new section for section 24.

Provisions relating to appointment of Public Prosecutors.

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the "Code"), for section 24, the following section shall be substituted, namely:—

“24. (1) For every High Court, the Central Government or the State Government shall, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceedings on behalf of the Central Government or State Government, as the case may be.

(2) The number of Additional Public Prosecutors to be appointed under sub-section (1) shall be determined by the Central Government or the State Government, as the case may be, in accordance with requirements laid down in sub-section (17):

Provided that the Central Government or the State Government, as the case may be, shall record, in writing, the reasons for arriving at a decision on the number of Additional Public Prosecutors appointed under sub-section (1).

(3) Every appointment under sub-section (1) shall be made with the concurrence of the Chief Justice of the High Court concerned.

(4) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case or class of cases in any district or local area.

(5) Every appointment under sub-section (4) shall be made with the concurrence of the Sessions Judge of the Court of session having jurisdiction in relation to such district or local area.

(6) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:

Provided that the Public Prosecutor or Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(7) The number of Additional Public Prosecutors to be appointed under sub-section (6) shall be determined by the State Government in accordance with requirements laid down in sub-section (17) and with the concurrence of the Director of Prosecution appointed under section 25A:

Provided that the State Government, shall record, in writing, the reasons for arriving at a decision on the number of Additional Public Prosecutors appointed under sub-section (6).

(8) Every appointment under sub-section (6) shall be made with the concurrence of the Sessions Judge of the Court of session having jurisdiction in relation to such district or local area and the Director of Prosecution appointed under section 25A.

(9) Where in a State, there exists a regular Cadre of Prosecuting Officers, the State Government may also recommend names of persons constituting such Cadre for appointment under sub-section (6):

Provided that all appointments under this sub-section shall be subject to the provisions of sub-sections (7) and (8).

Explanation.— For the purposes of this sub-section, a "Regular Cadre of Prosecuting Officers" means a Cadre of Prosecuting Officers which includes therein the post of a Public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public Prosecutors, by whatever name called, to that post.

(10) A person shall be eligible to be appointed as a Public Prosecutor under sub-section (1) or sub-section (4) or sub-section (6) only if he has been in practice as an advocate for not less than seven years and has personally conducted substantial number of cases.

2 of 1974.

(11) A person appointed as a Public Prosecutor under sub-section (1) or sub-section (4) or sub-section (6) shall not engage, during the term of his office, in any paid employment except the duties of his office.

(12) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor:

Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section.

(13) Every appointment under sub-section (12) shall be accompanied with an explanation detailing the reasons for appointment of such Special Public Prosecutor.

(14) Every appointment by the Central Government under sub-section (12) shall be made with the concurrence of the presiding Judge of the court where the trial is being conducted.

(15) Every appointment by a State Government under sub-section (12) shall be made with the concurrence of the presiding Judge of the Court where the trial is being conducted and the Director of Prosecution appointed under section 25A.

(16) For the purpose of sub-section (14) and sub-section (15), the presiding Judge of the Court means—

- (a) in the case of the Supreme Court, the Chief Justice of India;
- (b) in the case of a High Court, the Chief Justice of that High Court;
- (c) in the case of a Court of Session, the Sessions Judge of that Court; and
- (d) in the case of any other Court, the Judge who presides over that Court.

(17) The number of Additional Public Prosecutors to be appointed under sub-section (1) or (6) shall be on the basis of an assessment of the requirements of the High Court or the Court of Session, as the case may be, and such requirements shall include, *inter alia*, the following,—

- (a) rate of institution and disposal of cases;
 - (b) number of cases pending;
 - (c) nature or type of offences under trial and the duration of trial in each case;
- and
- (d) caseload per public prosecutor.

Explanation.—For the purpose of this sub-section, caseload means the number of cases conducted by a public prosecutor in a defined period of time.

(18) The assessment under sub-section (17) shall be made at least once in every twenty-four months and the number of Additional Public Prosecutors to be appointed under sub-section (1) or sub-section (6) shall be revised in accordance with such assessment:

Provided that the Central Government or, as the case may be, the State Government, shall record in writing the reasons for such revision.

(19) For the purposes of sub-section (10) and sub-section (12), the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Act) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate."

Substitution of new section for section 25.

Provisions relating to appointment of Assistant Public Prosecutors.

3. For section 25 of the Code, the following section shall be substituted, namely:—

"25. (1) The State Government shall appoint in every district one or more Assistant Public Prosecutors for conducting prosecutions in the Courts of Magistrates.

(2) The number of Assistant Public Prosecutors to be appointed under sub-section (1) shall be determined by the State Government in accordance with requirements laid down under sub-section (8) and with the concurrence of the Director of Prosecution appointed under section 25A:

Provided that the State Government shall record, in writing, the reasons for arriving at a decision on the number of Assistant Public Prosecutors appointed under sub-section (1).

(3) Every appointment under sub-section (1) shall be made with the concurrence of the presiding officer of the Courts of Magistrates and the Director of Prosecution appointed under section 25A.

(4) The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates.

(5) Every appointment under sub-section (4) shall be made with the concurrence of the presiding officer of the Courts of Magistrates.

(6) A person shall be eligible to be appointed as an Assistant Public Prosecutor under sub-section (1) or sub-section (4) only if he has been in practice as an advocate for not less than five years.

(7) A person appointed as an Assistant Public Prosecutor under sub-section (1) or sub-section (4) shall not engage, during the term of his office, in any paid employment except the duties of his office.

(8) The number of Assistant Public Prosecutors to be appointed under sub-section (1) shall be on the basis of an assessment of the requirements of the Courts of Magistrates and shall include, *inter alia*, the following—

(a) rate of institution and disposal of cases;

(b) number of cases pending;

(c) nature or type of offences under trial and the duration of trial in each case;

and

(d) caseload per Assistant Public Prosecutor.

Explanation.—For the purpose of this sub-section, caseload means the number of cases conducted by an Assistant Public Prosecutor in a defined period of time.

(9) The assessment under sub-section (8) shall be made at least once in every twenty-four months and the number of Assistant Public Prosecutors to be appointed under sub-section (1) shall be revised in accordance with such assessment:

Provided that the State Government shall record, in writing, the reasons for such revision."

Substitution of new section for section 25A.

Establishment of Directorate of Prosecution.

4. For section 25A of the Code, the following sections shall be substituted, namely:—

"25A. (1) The State Government shall establish a Directorate of Prosecution consisting of a Director of Prosecution and such number of Deputy Directors of Prosecution as it may, with the concurrence of the Chief Justice of the High Court, from time to time, deem necessary to appoint.

(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution only if he has been in practice as an advocate for not less than fifteen

years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(3) A person appointed as Director of Prosecution or Deputy Director of Prosecution shall not engage, during the term of his office, in any paid employment except the duties of his office.

(4) The Director of Prosecution shall be the head of the Directorate of Prosecution and shall function under the administrative control of the head of the Home Department in the State.

(5) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor or Additional Public Prosecutor appointed under sub-section (1) of section 24 or the Special Public Prosecutor appointed under sub-section (12) of section 24 by the State Government to conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(7) Every Public Prosecutor or Additional Public Prosecutor appointed under sub-section (6) of section 24 or the Special Public Prosecutor appointed under sub-section (12) of section 24 by the State Government to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 25 shall be subordinate to the Deputy Director of Prosecution.

(8) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(9) Notwithstanding the provisions of sub-section (8), the Director of Prosecution shall be responsible for general superintendence and shall exercise administrative control over his subordinates in the Directorate of Prosecution.

(10) The Director of Prosecution or a Deputy Director of Prosecution shall not be removed from office unless he has been given a reasonable opportunity of being heard in the matter.

(11) For the purposes of sub-section (2), the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Act) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate.

25B. The provisions of section 25A shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor."

Provision of section 25A not to apply to the Advocate General of State.

STATEMENT OF OBJECTS AND REASONS

Every State has a duty to protect its citizens from criminal tendencies in society and to promote an atmosphere of freedom conducive to the full realization of human potential. Crimes are, therefore, considered offences against the State itself, and accordingly prosecuted by it. Hence, in any State that is committed towards upholding the rule of law and the interest of its citizens, the public prosecutor is placed at the pivot of the criminal justice system.

Public prosecutors have a duty to the accused, the public, the State as well as to the court and, therefore, must be fair and objective while discharging their duties. Their duty is not to get convictions but to ensure that all the facts of the case are presented in the court of law in order to enable the court to take a reasoned action. In *Babu v. State of Kerala* (1984), the Kerala High Court noted that Public prosecutors are really Ministers of Justice whose job is none other than assisting the State in the administration of justice. They are not representatives of any party. Their job is to assist the Court by placing before the Court all relevant aspects of the case. They are not there to see the innocents go to the gallows. They are also not there to see the culprits escape a conviction.

The independence of the public prosecutor is, therefore, essential to ensure a free and fair trial in the court. However, in India, scant attention is paid to this crucial office and its importance is regularly undermined by vested interests in the system.

The present system of public prosecution in India is riddled with problems. Prosecutors are overburdened and the procedures followed in their appointment make them susceptible to interference from the executive and other external interests. Often, special public prosecutors are appointed at the whims and fancies of the Government and without adequate reasoning to suit their own interests. Though the Code of Criminal Procedure calls for 'consultation' with the judiciary for all appointments to the post of public prosecutor, this requirement has been diluted through amendments in many States. At the lower levels, prosecution is not separated from the police and in any case, the police exercise substantial control over the prosecution machinery.

The Code of Criminal Procedure was amended in 2005 to create an enabling (but not mandatory) provision for the establishment of a Directorate of Prosecution directly answerable to the Home Department, but only in a few States such as Kerala and Delhi, such Directorates have been established.

This Bill seeks to improve the effectiveness of prosecution, and by extension, the effectiveness of the criminal justice system in India. Specifically, it aims to increase accountability and transparency in the appointment of prosecutors so as to shield them from political interference.

The Bill mandates the establishment of a separate Directorate of Prosecution in each State with administrative control over all prosecutors in the State, and answerable to the Home Department. It provides for 'concurrence' with the judiciary for the appointment of prosecutors at all levels. The number of prosecutors to be appointed for effective discharge of functions must be decided with the concurrence of the Director of Prosecution in the State and based on an objective criterion that takes into account caseload and pendency. This provision will act as a check on the power of the executive and help unburden the prosecution machinery.

The Bill also seeks to bring transparency in the appointment of special public prosecutors by requiring a detailed and written explanation from the Government about the reasons for each appointment. In addition, it prescribed a minimum of five years of experience as an advocate as eligibility criteria for assistant public prosecutors, and thereby disallows police officers from being appointed to such posts.

While commenting on the independence of public prosecutors in India, the Law Commission, in its 197th report, held that any legislation that permits arbitrary appointment of public prosecutors, without proper checks, will violate article 14 of the Constitution (Right to Equality before Law). Therefore, to ensure free and fair trials in courts, it is vital that the existing provisions of the Code of Criminal Procedure be amended.

Our commitment towards the pursuit of justice will be half-hearted, unless these vital changes are incorporated in the public prosecution system in India.

Hence this Bill.

NEW DELHI;
July 7, 2014.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 2 of the Bill deals with appointment of public prosecutors and additional public prosecutors and special public prosecutors by the Central and State Governments. Clause 3 deals with appointment of assistant public prosecutors for the purposes of conducting any case or class of cases in courts of magistrates. Clause 4 deals with mandatory establishment of a Directorate of Prosecution in every State. While the expenditure in regard to appointment of public prosecutors in States is already being met out of the Consolidated Fund of the respective States and the expenditure in respect of Union territories out of the Consolidated Fund of India, yet, the provisions of the Bill, if enacted, would require appointment of more public prosecutors as well as the establishment of a Directorate of Prosecutions in each State and Union territory. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore may be involved as recurring expenditure per annum.

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

BILL NO. 102 OF 2014

A Bill to provide for special financial assistance to the State of West Bengal for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Sections of people; for the development, exploitation and proper utilization of its resources and to relieve its debt burden.

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 Special Financial Assistance to the State of West Bengal Act, 2014.

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

Special
financial
assistance to
the State of
West Bengal.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of West Bengal to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people and for the development, proper utilization and exploitation of the resources in the State.

Moratorium
on interest
payment.

3. The State of West Bengal shall be given a moratorium on payment of interest on its outstanding debt by the Central Government for a period of three years.

Act not in
derogation of
other laws.

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

STATEMENT OF OBJECTS AND REASONS

The State of West Bengal is socially and economically backward. The problems of poverty, unemployment and illiteracy are required to be addressed urgently and in a time-bound manner. Measures for proper utilization of resources, welfare of weaker sections in the region and initiating new development schemes are also required to be undertaken in an expeditious and time-bound manner. The State of West Bengal has also been facing the problem of naxalite violence for a number of years. In view of its economic backwardness, the naxalites have found sympathetic elements within the population. Therefore, economic backwardness is the root cause of the naxalite problem. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of West Bengal for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to this State would go a long way in building this nation more and more strong.

Further, when the new Government took charge about three years ago, the State of West Bengal had an outstanding debt of rupees two lakh and three thousand crore. As such, the State is required to pay bulk principal and interest at the rate of rupees twenty six thousand crore a year, which is more than the revenue earnings. Therefore, the State of West Bengal also needs a moratorium on its interest repayments for a period of three years in order to overcome its financial problem.

Hence this Bill.

NEW DELHI;
July 8, 2014.

SAUGATA ROY

PRESIDENT'S RECOMMENDATION UNDER ARTICLES
117(1) AND 117(3) OF THE CONSTITUTION

[Copy of D.O. No. 42(11) PF-I/2014 dated 31 July, 2014 from Shrimati Nirmala Sitharaman, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Special Financial Assistance to the State of West Bengal Bill, 2014 by Prof. Saugata Roy, M.P., recommends the introduction and consideration of the Bill by Lok Sabha under articles 117(1) and 117(3), respectively, of the Constitution.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of West Bengal to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of West Bengal. As the sums of moneys which will be given to the State of West Bengal as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage. The moratorium would not involve any outgo from the Consolidated Fund, but would only mean deferment of income.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 106 OF 2014

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

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

1. (1) This Act may be called the Special Financial Assistance to the State of West Bengal Act, 2014.

Short title and commencement.

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

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of West Bengal to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people and for the development, proper utilization and exploitation of the resources in the State.

Special financial assistance to the State of West Bengal.

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

Act not in derogation of other laws.

STATEMENT OF OBJECTS AND REASONS

The State of West Bengal is socially and economically backward. The problems of poverty, unemployment and illiteracy are required to be addressed urgently and in a time-bound manner. Measures for proper utilization of resources, welfare of weaker sections in the region and initiating new development schemes are also required to be undertaken in an expeditious and time-bound manner. The State of West Bengal has also been facing the problem of naxalite violence for a number of years. In view of its economic backwardness, the naxalites have found sympathetic elements within the population. Therefore, economic backwardness is the root cause of the naxalite problem. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of West Bengal for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to this State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
July 14, 2014.

ADHIR RANJAN CHOWDHURY

PRESIDENT'S RECOMMENDATION UNDER ARTICLE
117 (3) OF THE CONSTITUTION

[Copy of D.O. No. 42(20) PF-I/2014 dated 21 August, 2014 from Shrimati Nirmala Sitharaman, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Special Financial Assistance to the State of West Bengal Bill, 2014 by Shri Adhir Ranjan Chowdhury, M.P., recommends the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of West Bengal to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of West Bengal. As the sums of moneys which will be given to the State of West Bengal as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 107 OF 2014

A Bill to provide for payment of pension and provision of rehabilitation facilities to old persons.

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 Old Age Pension and Rehabilitation Act, 2014.

(2) It extends to the whole of India.

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

Definitions.

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

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

(b) "old age person" means any person who has attained the age of sixty years or more and who has no independent and adequate means of livelihood.

- 3.** (1) Every old age person shall, on an application made in the prescribed form, be paid rupees five hundred per mensem as pension, by the appropriate Government. Pension to old age persons.
- (2) The Pension payable shall be subject to alteration on the basis of the prevailing cost of living index as may be determined by the Central Government.
- (3) The pension referred to in sub-section (1) shall be disbursed to old persons, by the appropriate Government through Government Treasury or any branch of nationalized bank as may be prescribed by the Central Government.
- 4.** The infirm from amongst the old persons shall be accommodated in "Old Persons Home" to be set up in every district by the appropriate Government. Facilities for infirm persons.
- 5.** It shall be the responsibility of appropriate Government in their respective jurisdictions to provide old persons,— Facilities to old persons.
- (a) free medical aid in Government hospitals and other nearest dispensaries recognized by the Government; and
- (b) residential accommodation free of cost.
- 6.** (1) The Central Government shall set up a Fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act. Setting up of Old Persons Welfare Fund.
- (2) The Fund shall consist of the sums paid into it by the Central Government after due appropriation made by Parliament by law in this behalf and all such moneys received by way of grants or donations from any individual, organisation or agency including international agency.
- 7.** The expenses incurred on providing the old persons with pension and other rehabilitation facilities provided under this Act shall be met out of the Fund constituted under section 6. Expenses to be met out of the Fund.
- 8.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is customary in our country for every Indian to look-after his aged parents but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the aged are still left to fend for themselves. Our country, being a welfare State, should provide social security to such old and infirm persons.

The Bill seeks to give impetus to the new social order and seeks to provide pension, medical and residential facilities to old persons.

NEW DELHI;
July 14, 2014

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees five hundred per month to such old persons who have attained the age of sixty years or more and who have no independent and adequate means of livelihood. Clause 4 provides that infirm persons from amongst the old persons shall be accommodated in old persons homes to be set up in every district. Clause 5 provides for medical aid and residential facilities free of cost to old persons. Clause 6 provides for the constitution of Old Persons Welfare Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees one thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of about rupees ten crore will also be involved at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 108 OF 2014

A Bill to prevent female infanticide.

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 Prevention of Female Infanticide Act, 2014.

Short title
and com-
mencement.

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

2. In this Act, unless for context otherwise requires,

Definitions.

(i) "girl child" means a girl upto the age of ten years; and

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

3. Whoever causes, or does any act with the intention of causing death of a girl child or allows a sick girl child to die by deliberately not giving timely and proper medical assistance or does any act or neglects the care of the girl child which may result in her death, commits the offence of female infanticide.

Female
infanticide.

Information about birth or death of a girl child to be given to authorities.

4. (1) Whenever a girl is born or a girl child dies, it shall be the duty of the parents or the guardian of the child to inform the nearest health centre run by the Government or such authority as may be prescribed for this purpose, about the birth or death of the girl child.

(2) In case of death of a girl child, the child shall not be cremated or buried unless the health centre or such other authority, as may be prescribed for this purpose, has caused an investigation into the cause of the death of the child.

(3) The investigation under sub-section (2) shall be completed within twenty-four hours from the time the information about death is received.

Arrest of person committing female infanticide.

5. If after a preliminary investigation into the cause of the death of a girl child, any person is found to have committed the offence of infanticide, he shall be taken into custody at once.

Punishment.

6. Any person who commits or abets the commission of the offence of female infanticide or withholds information about the death of the girl child, shall be punished with imprisonment for a period of ten years and also with fine of rupees one lakh:

Provided that any person who withholds information about the birth of a girl shall be punished with imprisonment for a period of six months.

Investigation and filing of report.

7. Any inquiry or investigation into female infanticide and filing of reports or a suit in a court of law shall be completed within a period of three months from the date of the death of the girl child.

Offence to be non-bailable.

8. An offence under this Act shall be non-bailable.

Act to have over-riding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Indian Penal Code, 1860 or any other law for the time being in force.

45 of 1860.

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

With the menace of dowry system still continuing in the country, birth of a girl child in an ordinary family is considered as inauspicious and a curse. Birth of a girl child is considered as a burden by poor families. As a result, the number of cases of female infanticide has increased manifold in the country. Thousands of innocent girls are dying prematurely as a result of inadequate care and indifference on the part of their families. It is high time that this dastardly act is brought to an end. However, in the absence of a stringent legislation, it is quite difficult to put end to this evil practice.

It is, therefore, proposed to bring forward a legislation providing for severe punishment to those who commit female infanticide in order to eradicate this malady from the country.

Hence this Bill.

NEW DELHI;
July, 17, 2014.

ADHIR RANJAN CHOWDHURY

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL NO. 109 OF 2014

A Bill to protect the interests of agricultural workers and for matters connected therewith.

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

Short title and
extent.

1. (1) This Act may be called the Agricultural Workers (Employment, Conditions of Service and Welfare) Act, 2014.

(2) It extends to the whole of India.

Definitions.

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

(a) "agricultural workers" means a person who follows one or more of the following agricultural occupations in the capacity of labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind:—

(i) farming, including the cultivation and tillage of soil;

(ii) dairy farming;

(iii) pisciculture;

(iv) production, cultivation, growing and harvesting of any horticulture, floriculture commodity;

(v) raising of livestock, bee-keeping or poultry;

(vi) any practice performed on a farm as incidental to, or in conjunction with, the farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products); and

(vii) growing fodder or thatching grass or for grazing cattle; and

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

3. The Central Government shall establish an Agricultural Workers Welfare Board (hereinafter referred to as Board) to protect the interests of agricultural workers in the country.

Establishment of Agricultural Workers Welfare Board.

4. (1) The Board shall consist of a Chairperson and twenty other members.

Chairperson and other members of Board.

(2) The Chairperson of the Board shall be elected by the members of the Board.

(3) The members of the Board shall be chosen by agricultural workers in such manner as may be prescribed.

(4) The Chairperson and other members of the Board shall hold office for a period of five years.

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

(6) The Headquarters of the Board shall be at New Delhi.

5. The Board shall—

Functions of Board.

(i) lay down broad guidelines for welfare of agricultural workers;

(ii) provide employment to agricultural workers during off season period or during natural calamities with such wages as may be prescribed;

(iii) provide financial assistance to agricultural workers in case employment is not provided to them; and

(iv) establish committees at State level with such composition, as may be prescribed, to monitor the implementation of guidelines laid down by the Board for welfare of agricultural workers.

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

Central Government to provide funds.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

There are about 320 million workers in the country, out of whom 20 million are agricultural workers. Floods and droughts play havoc in the lives of agricultural workers. The use of pesticides and chemical fertilizers also cause serious health hazards to the agricultural workers. Their jobs are at the mercy of the land owners and there is no security of employment. It is, therefore, necessary that the agricultural workers are fully protected and the benefits available to industrial workers in the country are also provided to agricultural labourers.

Hence this Bill.

NEW DELHI;
July 14, 2014.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Agricultural Workers Welfare Board to protect the interests of agricultural workers in the country. Clause 5 provides for employment and assistance to agricultural workers during off season period. Clause 6 provides for supply of requisite funds by the Central Government to implement the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees three hundred crore from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL NO. 110 OF 2014

A Bill to provide for prohibition of ragging and unfair practices in educational institutions and universities 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:—

1. (1) This Act may be called the Prohibition of Ragging and Unfair Practices in Educational Institutions and Universities Act, 2014.

Short title,
extent and
commencement.

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

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

Definitions.

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

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

(b) “appropriate statutory authority” means any authority established under any law for the time being in force for co-ordinating or determining or maintaining the standards of education including technical and medical education and education in universities;

(c) “capitation fee” means any amount (by whatever name called),—

(i) demanded or charged or collected, directly or indirectly, for, or, on behalf of any institution, or paid by any person in consideration for admitting any person as student in such institution; and which is in excess of the fee payable towards tuition fee and other fees and other charges declared by any institution in its prospectus for admitting any person as student in such institution; or

(ii) paid or demanded or charged or collected, by way of donation, for, or, on behalf of any institution, or paid by any person in consideration for admitting any person as a student in such institution;

(d) “educational institution” means a technical educational institution or medical educational institution or any such institution, whether registered under the Societies Registration Act, 1860 or not, and recognized as such, by the appropriate statutory authority or a university as defined in section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a University under section 3 of that Act or under any other law for the time being in force;

21 of 1860.

3 of 1956.

(e) “prospectus” includes any publication, whether in print or displayed in internet or in any electronic device for public consumption, otherwise, issued for providing fair and transparent information, relating to an institution, to the general public (including to those seeking admission in such institution) by the management of such institution or any other authority or person authorised by such institution to do so;

(f) “ragging” means an act by a student or group of students inside or outside the educational institution which causes or is likely to cause physical or psychological harm or bring embarrassment to or creates fear in another student and includes acts of teasing, abusing, causing hurt or making one to do any act or perform something which he will not willingly do in the ordinary course.

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

(h) “unfair practice” includes—

(i) charging of capitation fee;

(ii) charging of exorbitant fee;

(iii) lack of transparency in conducting entrance test;

(iv) recruiting teaching and office faculty with low salary;

(v) recruiting teachers without adequate qualification;

(vi) exploitation of teachers;

(vii) allowing students to take examination without adequate attendance;

(viii) malpractice in evaluation;

(ix) advertising falsely about infrastructure or institution with the intention to induce students to take admission;

(x) exorbitant charges for prospectus;

(xi) accepting any fee or charge without proper receipt;

(xii) admitting ineligible students;

(xiii) allowing students to copy;

(xiv) victimizing students, particularly those belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the weaker sections of society;

(xv) withholding educational certificates to eligible students; and

(xvi) impounding of educational certificates or passports of teachers and office staff without valid reasons or compelling teachers to award pass marks to certain students.

3. Ragging in educational institutions is hereby prohibited.

Prohibition of ragging.

4. (1) Any act of ragging brought to the notice of the head of the educational institution or any other person responsible for the management of the educational institution shall be inquired into expeditiously.

Inquiry on ragging.

(2) Where after conclusion of enquiry, a student is found guilty of committing or participating in or abetting the act of ragging, he shall be expelled from the educational institution and shall not be admitted in any other educational institution.

(3) Where the findings of the inquiry report are disputed by the expelled student, the educational institution shall forward the enquiry report to the Redressal Committee constituted under section 11.

5. (1) No educational institution shall, for admission in any course or programme of study, accept any payment, other than the fee and charges mentioned in its prospectus.

Educational institutions not to accept fee and charges not mentioned in prospectus.

(2) Every educational institution shall issue a proper receipt of the fee and charges to the students admitted in the institution.

6. (1) No educational institution shall, directly or indirectly, demand or charge or accept any capitation fee or donation, as a consideration for admission in a course or programme of study.

Prohibition of capitation fee.

(2) No person shall, directly or indirectly, offer or pay any capitation fee or donation, either in cash or kind, for obtaining admission in a course or programme of study.

7. Any educational institution, which violates the provisions of section 6, shall, without prejudice to proceedings for prosecution under any other law for the time being in force, be liable to a penalty which may extend to one lakh rupees.

Penalty for demanding or accepting capitation fee.

8. Every educational institution shall, before the expiry of ninety days prior to the date of commencement of admission process to any of its course or programme of study, publish a prospectus containing all such minute details, as may be prescribed, regarding admission.

Mandatory publication of prospectus.

9. Any educational institution, which does anything contrary to the information published by it in its prospectus or resort to any unfair practice, shall, without prejudice to any proceedings for prosecution any other law for the time being in force, be liable to a penalty which may extend to ten thousand rupees.

Penalty for doing contrary to information in prospectus.

10. Any aggrieved person or any other person, on behalf of such aggrieved person, may make complaint of ragging or unfair practice or demand of capitation fee or donation, in such form and manner, as may be prescribed, to the Redressal Committee constituted under section 11.

Complaint of unfair practice.

Constitution
of the
Redressal
Committee in
every district.

11. (1) The appropriate Government shall constitute, in every district having any educational institution, a Committee to be known as the Redressal Committee.

(2) The Committee shall consist of—

- (a) a Chairperson;
- (b) two judicial members;
- (c) two academic members; and
- (d) two administrative members.

(3) The terms and conditions of service of the Chairperson and other members of the Committee shall be such as may be prescribed.

(4) The Committee shall have such number of officers and staff as may be required for its efficient functioning.

Functions of
the
Committee.

12. (1) The Committee shall—

- (i) enquire into every case of ragging referred to it by the educational institutions within its territorial jurisdiction or received directly from any aggrieved person or any other person on behalf of such person;
- (ii) enquire into every complaint of unfair practice or demand of capitation fee or donation by an educational institution within its territorial jurisdiction;
- (iii) recommend punitive action against the erring educational institution; and
- (iv) recommend compensation to the victims of ragging or unfair practices by the institution concerned.

(2) The Committee shall dispose of every complaint within a period of ninety days from the date of receipt of such complaint.

(3) The Committee shall afford an opportunity of being heard to every person or institution against whom a complaint is made.

(4) The Committee shall forward its report of enquiry into a complaint to the appropriate statutory authority, which shall recommend such action against the institution, as may be prescribed.

Act to have
overriding
effect.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

There has been mushrooming growth of higher educational institutions in recent years especially, the technical and medical educational institutions.

There have been allegations that these educational institutions are resorting to unfair practices such as charging of capitation fee, demanding donations, not issuing receipt in respect of payments made by or on behalf of students, low quality delivery of education services, false claims of quality education through misleading advertisement, etc. There is no law to check the malpractices in such educational institutions. A mechanism to provide for speedy resolution of matters relating to malpractices in higher educational institutions is required to be in place in order to provide relief to the victims of such malpractices. The Bill, therefore, seeks to provide, *inter alia*, for—

- (1) banning of acts of ragging within or outside the educational institutions;
- (2) prohibition of capitation fee and unfair practices by educational institutions; and
- (3) constitution of Redressal Committee for early disposal of complaints.

Hence this Bill.

NEW DELHI;
July 14, 2014.

RAKESH SINGH

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)
OF THE CONSTITUTION

[Copy of D.O. No. 9-14/2012-U. Policy dated 26 September, 2014 from Shrimati Smriti Zubin Irani, Minister of Human Resource Development to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Prohibition of Ragging and Unfair Practices in Educational Institutions and Universities Bill, 2014 by Shri Rakesh Singh, Member of Parliament, recommends to the House the consideration of the Bill under clause (3) of article 117 of the Constitution.

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides for constitution of the Redressal Committees in every district of the country to enquire into malpractices by educational institutions. The State Governments will have to bear the expenditure in respect of educational institutions established under Act of Legislative Assembly from their respective Consolidated Funds. However, the Central Government shall have to bear the expenditure in respect of educational institutions established by or under an Act of Parliament as well as educational institutions in the Union territories.

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

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 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 detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 111 OF 2014

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

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 Compulsory Voting 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.

2. It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Compulsory
voting.

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if the Election Commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption.

Protection and safety for voters at polling booths.

3. The Election Commission shall ensure protection and safety of all citizens who come to polling booths to cast their votes.

Sending of list of names of voters not casting their votes to the Government.

4. The Election Commission shall send a list of names of all eligible voters, who have not cast their votes, to Central Government or the State Government, as the case may be.

Adequate number and spacing of polling booths.

5. (1) There shall be set up adequate number of polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly, as the case may be.

(2) The polling booths shall be set up in such a way—

(i) that number of voters in each booth shall be equal to the extent possible;

(ii) that the distance between one polling booth and another shall not exceed five hundred meters:

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

Special arrangements for poll staff.

6. There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes.

Special arrangements for senior citizens, etc.

7. There shall be made separate arrangement in every polling booth for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes.

Punishment.

8. Any person, who fails to cast his vote shall be liable to—

(i) A fine of rupees five hundred, or

(ii) two day's imprisonment, or

(iii) forfeiture of his ration card;

(iv) be rendered ineligible for contesting any election for a period of ten years from the date of his conviction;

(v) be ineligible for allotment of a plot or a house in a Government owned organisation;

(vi) be ineligible to get loan of any kind from any financial institution owned by the Government;

(vii) be ineligible for entitlement to any welfare scheme announced by the Government from time to time:

Provided that if such person is an employee of the Union Government or the State Government or the Union territory administration or any public sector undertaking owned or controlled by Union Government or the State Government or the Union territory administration, such person shall also be punished with—

(a) forfeiture of ten days' salary; and

(b) delay in promotion for a period of two years.

Incentive for voting.

9. Any person who, despite his illness or physical incapacity has exercised his right to vote at an election or any person who has exercised his right to vote at all elections held

during a period of fifteen years preceding the commencement of this Act without any break shall be—

- (i) given preference in jobs in the services under the Central Government; and
- (ii) given preference in admission to the institutions of higher education.

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

Power to
make rules.

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

STATEMENT OF OBJECTS AND REASONS

Our country is the largest democracy in the world having population of more than a billion. But it has been seen that only about fifty per cent of the eligible voters exercise their right to vote. During almost all the elections in the country, it has been observed that the number of actual voters is far below the number of eligible voters. Therefore, the average voting is very low. This type of electoral trend makes it clear to us that suitable steps are necessary to encourage the citizens to exercise their right to vote in order to elect their representative so that the results of the election show the will of all the electors and not just a segment of them.

In the last few elections, the problem of low voting percentage has become worse and the voting percentage has gone down even below fifty per cent. In many cases, citizens either deliberately avoid casting their votes or even boycott elections. Therefore, the Bill seeks to make voting compulsory for all the electors subject to certain restrictions so that the voting percentage in the country is increased. However, the citizens who are either physically incapacitated or have *bona fide* reasons have been given exemption under the Act.

Since voting is being made compulsory, punishment is also sought to be given to those who do not cast their votes. At the same time, incentives are also proposed for those who do exercise their right to vote without break or in spite of illness.

Hence this Bill.

NEW DELHI;
July 16, 2014.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 5 provides for setting up of adequate polling booths in every constituency. Clauses 6 and 7 provide for special arrangements for persons deployed for poll duty and for special arrangements for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees eight crore is likely to be involved.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 113 OF 2014

A Bill to provide for health insurance to persons living below poverty line 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:—

1. (1) This Act may be called the Health Insurance (For Persons Living Below Poverty Line) Act, 2014. Short title and extent.

(2) It extends to the whole of India.

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

Definitions.

(i) "person living below poverty line" means a person, whose annual income from all sources is less than rupees fifty thousand; and

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

Health Insurance Scheme.

3. The Central Government shall frame a health insurance scheme for persons living below poverty line.

Health cards to persons living below poverty line.

4. (1) The Central Government shall, through the State Government or the Union territory Administration, as the case may be, issue a health card to every citizen living below poverty line.

(2) The health card shall contain the details such as name and age, address, details of family members, annual income and such other information as may be prescribed.

Citizens to approach District Administration if card is not issued to them.

5. Any citizen, who is entitled to a health card but has not been issued the same, may approach the district administration, which shall, after necessary verification, issue the health card.

Right of health cardholders to get treatment from hospitals.

6. (1) Any person, who has been issued a health card, may approach any hospital, including a privately run hospital for treatment of self or any of his family member, whose name has been included in the health card.

(2) The hospital shall not charge any fees from the cardholder for his treatment or treatment of any member of his family and shall also provide the prescribed medicines free of charge.

(3) The hospital shall make entries in the health card regarding the total expenditure incurred by it in the treatment of the cardholder or his family members and send a copy of the detailed expenses to the Central Government in such manner as may be prescribed.

Limit of expenditure on the treatment of cardholders.

7. The total expenditure on the treatment in respect of a health cardholder and his family members shall not exceed rupees twenty-five thousand per year :

Provided that the cardholder may submit an application in the form as may be prescribed to the Central Government for enhancing the limit in case of any critical illness and the Central Government may allow an enhanced expenditure for the treatment of the particular disease.

Hospitals not to refuse treatment to cardholders.

8. Subject to the provisions of section 7, no hospital shall refuse treatment to any cardholder, on the ground that the cardholder has not made any advance deposit with the hospital for treatment.

Procedure for reimbursement.

9. The hospital shall make its claim for reimbursement of expenses in connection with treatment of a cardholder or a member of his family to the Central Government in such manner as may be prescribed.

Reimbursement to be made within a month.

10. The Central Government on receipt of a claim under section 9 shall process the same and reimburse the expenses within one month of the receipt of the claim to the hospital concerned.

Life insurance for nominee of the cardholder.

11. (1) Every cardholder shall be insured for a sum of rupees twenty-five thousand.

(2) The amount of insurance shall be paid to a nominee of the cardholder in case of his death.

(3) The premium for insurance of the cardholder shall be paid by the Central Government.

Penalty for violation.

12. If any hospital refuses to treat any cardholder or member of his family without any valid reason, the Central Government shall issue directions for cancellation of the licence of the hospital.

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Poor people cannot afford treatment in hospitals as it has become a costly affair. Huge crowds in Government hospitals discourage elderly, physically challenged persons and women from taking treatment there. As a result, they are left uncared for. Even in Government hospitals, they have to spend money on purchasing medicines, etc.

India, being a welfare State, care has to be taken by the Government of the under privileged sections of the society. It is proposed to provide that persons living below poverty line will be allowed to take free treatment in hospitals including private hospitals and there is also a provision for their life insurance.

This, it is hoped, will mitigate the hardship of the poor people to some extent.

Hence this Bill.

NEW DELHI;
July 22, 2014.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a health insurance scheme for all persons living below poverty line. Clause 4 provides for issuance of health cards to all persons living below poverty line to enable them to take treatment in hospitals. Clause 10 provides for reimbursement of expenses by the Central Government to the hospitals concerned. There is also a provision for free life insurance of the cardholder under clause 11.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore will also be involved for issuing health cards.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

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

BILL NO. 114 OF 2014

A Bill to provide for the rehabilitation and welfare measures to be undertaken by the Union and the State Governments for the street children who subsist on rag picking, begging, shoe polishing, working as potters or performing acrobatics at road crossings or public places and for their rehabilitation by taking their custody and providing them due care, protection, education, vocational training 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:—

1. (1) This Act may be called the Street Children (Rehabilitation and Welfare) Act, 2014.

Short title
and extent.

(2) It extends to the whole of India.

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

Definitions.

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

(b) "child" means a boy or girl who is below the age of eighteen years;

(c) "children home" means an institution or home established or certified as such by the appropriate Government for the purposes of this Act;

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

(e) "street child" means a child who is an orphan or has been abandoned or is a vagabond and who subsists on income earned by collecting and selling of waste materials from garbage dumps or streets or other public places or begging or working as a potter or vendor or shoe polisher and who lives on pavement or in a hutment or slum or railway platform or bus stop or such other place.

National
Policy for
street
children.

3. (1) The Central Government shall, as soon as may be, formulate a National Policy for the rehabilitation and welfare of street children so as to secure them all rights of childhood and make them responsible citizens.

(2) Without prejudice to the generality of the foregoing provision, the National Policy referred to in sub-section (1) may include:—

(a) taking custody of every street child and provide him boarding, lodging and other facilities in children home;

(b) taking of such measures, as may be necessary, to discourage street children from returning to their earlier means of subsistence;

(c) provision of free educational facilities, vocational training and facilities for developing moral values and other skills among street children to make them self-dependent;

(d) provision of employment opportunities for street children after they complete their education and vocational training;

(e) provision of annual grants-in-aid to such orphanages and non-governmental organizations as are working for the welfare of street children; and

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

Appropriate
Government
to
implement
the National
Policy.

4. It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

Constitution
of Street
Children
Welfare Fund.

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

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the street children in such manner as may be prescribed.

Establishment
of children
homes.

6. (1) The appropriate Government shall establish or cause to be established such number of children homes as it may deem necessary for the purposes of this Act.

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

7. The appropriate Government shall—

- (a) maintain a district-wise register of all street children;
- (b) open sufficient number of schools and colleges for imparting education to the street children and provide books, writing materials, clothes, uniforms and other relevant articles free of cost;
- (c) provide healthcare facilities free of cost to all street children;
- (d) take custody of every street child in such manner as may be prescribed;
- (e) send every street child taken into custody under this Act to a children home or to a non-governmental organisation certified by the appropriate Government in such manner as may be prescribed;
- (f) provide vocational training and gainful employment to street children; and
- (g) take such other measures as may be necessary for the rehabilitation and welfare of street children.

Welfare measures for the street children.

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

Central Government to provide adequate funds.

45 of 1860.

9. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force, whoever—

Punishment.

- (a) forces any child covered under this Act to beg, commit petty crime or rag picking or any act which is injurious to the health of such child shall be punished with imprisonment for a term which shall not be less than four years but may extend to seven years and also with which may extend to rupees five lakh;
- (b) sexually exploits any child covered under this Act shall be punished with imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than rupees five lakh but may extend to rupees ten lakh; and
- (c) having already been convicted of an offence under this Act or an abetment of such offence is again convicted of any such offence or abetment shall be punished with life imprisonment and also with fine which may extend to rupees ten lakh.

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

Act to have overriding effect.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not in derogation of any other law.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

It has rightly been said that children are the future of any country because they grow as the citizens of that country. It is, therefore, necessary to bring them up in a good atmosphere by providing them all the necessities of life, good education and a joyful childhood. It is equally important to note that most of the parents try their best to give their children good upbringing and provide them best facilities. But in our country, unfortunately, there are millions of orphans, who are mostly homeless, abandoned, runaway, vagabond and destitute who are generally known as street children and can be seen in most of the urban areas loitering, collecting waste papers, plastic and metal scraps from the dumping pits and public places for their subsistence. They can also be seen begging at the road crossings, near the religious places, markets, bus stops and railway stations. Many a times they indulge in petty crimes like stealings, pick-pocketing and snatching for their survival. They are exploited by anti-social elements and even by the police. Such children become hardened criminals when they grow up. The girl child in this category is often sexually exploited and ultimately pushed into flesh trade. They fall prey to all kinds of dreaded diseases. Education is a day dream for them and even two square meals a day is luxury for them. These children are thus most vulnerable to abuses, exploitation and depravity.

Ours is a welfare State and thus it is duty of the State to ensure that these hapless, homeless orphan and street children are protected against neglect, cruelty and exploitation and they must enjoy childhood by bringing them into the national mainstream by giving every opportunity and protection they deserve in order to fully develop their potentials. They should be provided with good education, nutrition, healthcare and good atmosphere which will enable them to grow as responsible citizens. The Government have to establish children homes with all facilities for the street children. The NGOs too have to be encouraged for the upliftment of orphans and street children. The provisions of the Bill will go a long way in creating a better society and a strong nation.

Hence this Bill.

NEW DELHI;
July 24, 2014.

RAKESH SINGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of a Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government. Clause 6 provides for establishment of children homes for street children. Clause 7 provides for welfare measures to be undertaken by the appropriate Government for the street children. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act. Although, the expenditure relating to States shall be borne out of the Consolidated Funds of the respective States, the Central Government shall bear the expenditure in providing assistance to the State Governments for carrying out the purposes of the Act and for implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 115 OF 2014

A Bill to provide for the facilities of telephone and post and telegraph office in all the villages of the country and for matters connected therewith.

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

Short title
and extent.

1. (1) This Act may be called the Provision of Communication Facilities in Every Village Act, 2014.

(2) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Indian Post Office Act, 1898 and the Indian Telegraph Act, 1885 shall have the meanings, respectively, assigned to them in these Acts.

6 of 1898.

13 of 1885.

3. The Central Government shall provide in every village throughout the country, the following facilities, namely:—

Provision of
Communica-
tion facilities
in villages.

(i) a post and telegraph office; and

(ii) a public telephone connection with STD facility under the control of the head of the Village Panchayat.

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

Power to
make rules.

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

STATEMENT OF OBJECTS AND REASONS

In India, about seventy-five per cent. of the people still live in villages. There are a number of villages in remote areas inhabited by tribals and backward classes. Even after sixty-seven years of our independence, no significant development work has been done at such places. There are no postal facilities available in these areas. There are no telephones and the villages have virtually no communication links with the rest of the country. It takes months for a letter to reach in these villages. Most of Villagers migrate to the cities for work and remain cut-off from their families due to non-availability of modern means of communication in their native villages. The postal, telephone and other communication facilities have thus become necessary for every village. The villagers can deposit their money in saving account of the post offices thereby making available a lot of money to the Government for development works. The introduction of modern means of communication in every village will be the first step towards taking the boon of modern science to the doorsteps of rural India.

Hence this Bill.

NEW DELHI;
July 24, 2014.

RAKESH SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every village shall be provided with the facilities of a post and telegraph office as well as a public telephone connection with STD by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees two hundred crore per annum will be involved as a recurring expenditure out of the Consolidated Fund of India.

A sum of rupees fifty lakh is also likely to be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power is, therefore, a normal character.

BILL NO. 116 OF 2014

A Bill to provide for regulation of trade and business of acid, prevention of acid attacks and rehabilitation of the victims of acid attacks and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Acid Control, Prevention of Acid Attacks and Rehabilitation of Acid Attack Victims Act, 2014.

(2) It extends to the Union territories only.

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

Short title,
extent and
commencement.

Definitions.

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

(a) "acid" means any acidic solution, the sale and distribution of which is declared by the Central Government to be governed by or under the provisions of this Act; and

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

CHAPTER II

CONTROL OF SALE AND USE OF ACID

Central Government to publish list of acids.

3. (1) The Central Government shall, by notification in the Official Gazette, publish a list of acids for the purpose of regulating the sale and distribution of acids.

(2) The Central Government shall prescribe the degree of concentration of acids to be sold at retail outlets for different purposes.

(3) No acid of greater than prescribed concentration at the retail outlets shall be sold.

Regulation of trade or business of acid.

4. (1) No person shall produce, import, store, sell or transport or otherwise engage in trade or business of acid without obtaining a license from the competent authority to be designated for the purpose by the Central Government for carrying on such business or trade.

(2) Every person who is engaged in trade or business of acid shall—

(i) maintain record of the quantity of acid in his possession in such manner as may be prescribed; and

(ii) maintain details such as name, age, address, occupation of purchaser of acid including quantity and purpose of purchasing the acid, in such manner as may be prescribed.

CHAPTER III

REHABILITATION OF ACID ATTACK VICTIMS

Treatment of acid attack victims.

5. (1) Every victim of acid attack shall be provided free medical treatment in Government hospitals and designated private hospitals.

(2) The Central Government shall bear the entire cost of treatment.

Explanation.—For the purpose of this section, the expression 'medical treatment' includes any surgery including plastic or cosmetic surgery that may be required to remove, completely or partially, any bodily disfigurement caused by acid attack.

Acid attack victims to be treated as persons with disability in certain cases.

6. Where an acid attack has caused substantial bodily harm or disfigurement to such an extent, as may be prescribed, to a victim, such victim shall be deemed as person with disability for the purpose of availing benefits under the schemes meant for persons with disability, including employment under the Central Government, autonomous bodies under the Central Government and Central public sector undertakings.

Allowance to acid attack victims.

7. Where an acid attack victim has suffered such bodily harm or disfigurement in an acid attack as is likely to impair his chances of obtaining gainful employment or carrying on any gainful occupation, the Central Government shall pay to such victim a monthly allowance which shall not be less than four times the amount of old age pension payable in the Union territory in which the victim resides.

CHAPTER IV

OFFENCES AND PENALTIES

Penalties.

8. Whoever contravenes the provisions of sub-section (3) of section 3 or section 4 shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees or both.

CHAPTER V

AMENDMENT OF THE INDIAN PENAL CODE, 1860

45 of 1860.

9. In section 326B of the Indian Penal Code, 1860, for the words “seven years”, the words “imprisonment for life” shall be substituted.

Amendment of the Indian Penal Code, 1860.

CHAPTER VI

MISCELLANEOUS

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

Power to remove difficulties.

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

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

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

The growing incidents of acid attacks, especially on women, have become an area of grave concern. Despite the recent amendment to the criminal laws making acid attack a specific offence, the incidents of acid attacks have not shown any downward trend.

2. In order to check this growing menace, the Bill seeks to provide for—

(i) increasing the quantum of punishment to life imprisonment for throwing of acid on any person by amending section 326B of the Indian Penal Code, 1860;

(ii) regulation of trade and business of acids;

(iii) free treatment of victims of acid attack;

(iv) payment of monthly allowance to certain victims of acid attacks; and

(v) treating certain victims of acid attack as persons with disability to enable them to secure benefits under the schemes meant for persons with disability.

3. The Bill seeks to achieve the above objectives.

Hence this bill.

NEW DELHI;
August 5, 2014.

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to provide for free medical treatment of victims of acid attack at Government and designated private hospitals. Clause 6 provides for entitlement of employment to the victims of acid attack. Clause 7 provides for payment of monthly allowance to certain victims of acid attack whose chances of securing gainful employment or occupation have been adversely affected as a result of acid attack.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage it is not possible to give an exact amount of expenditure involved as it would depend upon the number of eligible victims of acid attack. However, it is estimated that a recurring expenditure of rupees one crore is likely to be involved per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 117 OF 2014

A Bill to provide for regulation of the practice of surrogacy 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:—

1. (1) This Act may be called the Surrogacy (Regulation) Act, 2014.

Short title,
extent and
commencement.

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

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

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

Definitions.

(a) "appropriate Board" means a State Supervisory Board or a Union territory Supervisory Board, as the case may be, constituted under section 16A of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(b) "assisted reproductive techniques" mean techniques that attempt to obtain a pregnancy by handling or manipulating the sperm or the oocyte outside the human body, and transferring the gamete or the embryo into the reproductive tract;

(c) "commissioning parents" mean a legally wedded couple who enters into a surrogacy agreement with a surrogate mother;

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

(e) "surrogacy" means an arrangement in which a woman agrees to a pregnancy, achieved through assisted reproductive techniques, in which neither of the gametes belong to her or her husband, with the intention to carry it and handover the child to the commissioning parents for whom she is acting as a surrogate and the expression 'surrogacy agreement' shall be construed accordingly; and

(f) "surrogate mother" means a woman who enters into an agreement with commissioning parents to deliver their child through assisted reproductive techniques.

(2) The terms and expressions used but not defined in this Act shall have the meaning assigned to them in the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

57 of 1994.

Pre-requisites
for surrogacy
agreement.

3. A surrogacy agreement shall not be valid if the following conditions are not fulfilled, namely:—

(a) the surrogate mother is not less than twenty-five years of age and has not completed thirty-five years of age;

(b) the commissioning parents are married for not less than two years;

(c) the commissioning parents are not already in a surrogacy agreement with any person, whether in India or in any other country;

(d) the commissioning parents are incapable, due to sufficient medical grounds, of giving birth to a child through natural pregnancy;

(e) the surrogate mother has given birth to not more than four children, including still born children, either through natural pregnancy or through assisted reproductive techniques; and

(f) a period of at least two years has elapsed since an assisted reproductive procedure was conducted on the surrogate mother.

Explanation.—For the purpose of this section, where a natural pregnancy poses a threat to the life or health of the mother or there is little possibility of carrying the pregnancy to full term, it shall be considered a sufficient ground for surrogacy agreement.

Rights of a
surrogate
mother.

4. (1) A surrogate mother shall have the following rights,—

(a) right to medical treatment during the course of assisted reproductive procedure and till such further period after the full term of pregnancy as may be advised by a physician; and

(b) right to compensation in case of delay on the part of commissioning parents in taking the child into their care.

(2) All expenditure incurred on medical treatment under sub-section (1) shall be borne by the commissioning parents.

Alternate
guardian.

5. (1) The commissioning parents shall appoint an individual to be an alternate guardian of the child to be born through surrogacy.

(2) The alternate guardian shall look after the child if the commissioning parents are unable or fail to take the child under their care due to their divorce, death or any other reason.

6. Any foreign couple, not resident of India, seeking surrogacy in India, shall—

(i) appoint a local guardian who shall be responsible for—

(a) taking care of surrogate mother during and after pregnancy; and

(b) taking care of child till the child is taken over by the commissioning parents;

(ii) produce a letter from either the embassy of their country in India or from the Foreign Ministry of their country to the effect that—

(a) the country of foreign couple permits surrogacy; and

(b) the child born through surrogacy in India shall be permitted entry in their country as their biological child.

Special provisions in respect of foreign couple.

7. (1) Every commissioning parent shall register the surrogacy agreement with the appropriate Board within such time as may be prescribed.

Commissioning parents to register the surrogacy agreement.

(2) The appropriate Board shall, subject to such guideline, as may be prescribed, protect the identity of the commissioning parents, the surrogate child and the surrogate mother.

8. If any person performing the assisted reproductive procedure conducts sex selection test of the embryo before implantation or at any time after that or otherwise selects the sex of the child to be born through surrogacy, such person shall be deemed to be guilty of an offence under the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

Prohibition of sex selection in surrogacy.

57 of 1994.

9. (1) If the commissioning parents refuse to take delivery of the child born through surrogacy due to any congenital disorder or disease in such child, they shall be punished with simple imprisonment which shall not be less than two years or with fine or fifty thousand rupees or both.

Offences and penalties.

(2) Any person who enters into surrogacy agreement without fulfilling the conditions laid down in section 3 or by concealment or misrepresentation of facts shall be punished with simple imprisonment which shall not be less than two years or with a fine of fifty thousand rupees or both.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

India is increasingly emerging as a hub for surrogacy services due to a comparative cost advantage. While surrogacy techniques have brought happiness in the lives of many despairing couples, it has often been subject to criticism due to extensive misuse and various ethical issues involved. Important among them are sex selection, excessive use in cases even where normal pregnancy is possible, etc. The lack of any legal framework to regulate the practice of surrogacy has accentuated the concerns over surrogacy. Besides, there are many grey areas which are to be addressed, such as citizenship of the child in case of involvement of foreign nationals in surrogacy, the fate of the child born through surrogacy in the case of divorce or death of commissioning parents, rights of the surrogate mother and the like.

2. The Bill, therefore, seeks *inter alia* to:—

- (i) lay down the conditions under which surrogacy may be resorted to;
- (ii) provide for compulsory registration of surrogacy;
- (iii) make provision for safeguarding the interest of the surrogate mother and the child born through surrogacy; and
- (iv) make sex selection in surrogacy an offence.

NEW DELHI;
August 5, 2014.

BHARTRUHARI MAHTAB

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL NO. 118 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:—

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

Short title and
commencement.

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

2. After article 371-J of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
371K.
Special
provisions with
respect to the
State of Bihar.

"371K. (1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Bihar, provide for any special responsibility of the Governor for—

(a) establishment of a separate development board for Mithilanchal region with the provision that a report on the working of the board will be placed each year before the State legislature;

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

(c) equitable opportunities and facilities for the people belonging to the said region, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole.

(2) An order made under sub-clause (c) of clause (1) may provide for—

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

(b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government in the Mithilanchal region and reservation of a proportion of such posts for persons who belong to that region 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."

STATEMENT OF OBJECTS AND REASONS

The Mithilanchal region of North Bihar has faced economic, legislative and political barriers since the inception of independent India. It continues to lag behind on several key developmental parameters due to inefficiency in policy implementation on the one hand and limited framework of development schemes or plans relating to industry, agriculture and education on the other. The Mithilanchal area of the State of Bihar consists of the districts of Vaishali, Muzzaffarpur, Sitamarhi, Shivhar, Betiah, Motihari, Darbhanga, Madhubani, Smastipur, Munger, Begusarai, Khagaria, Jamui, Lakhisarai, Sheikhpura, Saharsa, Supaul, Madhepura, Purnia, Katihar, Araria, Kishanganj, Bhagalpur and Banka.

The need of the hour is to accelerate development of the backward region of the State and to reduce inter-district and inter-regional disparities in the State. Also an institutional mechanism for equitable allocation of funds to meet the developmental needs of the region, as well as to provide employment and develop the human resources by providing for local cadres in service is required to be established.

It is accordingly proposed to insert a new article 371K in the Constitution to provide for —

- (a) establishment of a separate Development Board for the Mithilanchal region;
- (b) equitable allocation of funds for development of the region subject to the requirements of the State as a whole;
- (c) reservation in public employment through the Constitution of local cadres for domiciles of the region; and
- (d) reservation in educational and vocational training institutions for domiciles of the region.

Hence this Bill.

NEW DELHI;
August 6, 2014.

KIRTI AZAD

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of the special Development Board for the Mithilanchal region of the State of Bihar. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crore per annum on account of salaries and other administrative expenses of the Board.

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

BILL No. 119 OF 2014

A Bill to provide for protection of cow and its progeny.

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

Short title and
extent.**1.** (1) This Act may be called the Cow (Protection) Act, 2014.

(2) It extends to the whole of India.

Definitions.

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

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

(b) “cow” includes its progeny; and

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

Prohibition
of slaughter
of cow.**3.** Slaughter of cow is hereby prohibited.

4. (1) The appropriate Government shall cause to be established adequate number of shelters for reception and care of stray cows. Appropriate Government to established shelters for cows.
- (2) The shelters shall be maintained in such manner as may be prescribed.
5. (1) It shall be the duty of every citizen to inform such authority of the appropriate Government, as it may designate, about any stray cow noticed by him. Duty of every citizen to inform the designated authority.
- (2) On receipt of such information, the designated authority shall, as early as possible, take the stray cow to the nearest shelter.
6. The Central Government shall, by notification in the Official Gazette, declare cow as a national animal. Declaration of cow as a national animal.
7. Whoever causes or attempts to cause or abets in causing injury to cow shall be punished with imprisonment for a term which shall not be less than three years but may extend to ten years or with fine which shall not be less than twenty-five thousand rupees but may extend to one lakh rupees or with both. Penalty.
8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Act to have overriding effect.
9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution provides that the State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breed, and prohibiting the slaughter of cows and calves and other milch and draught cattle. It may be observed that article 48 casts a duty upon the Government to prohibit slaughter of cows and calves.

Cow is held in high esteem since times immemorial and also worshipped by millions of people in our country. It is reared in almost every household in the rural area. Its milk is beneficial and nutritious for children and the sick persons. It serves the nation in many fields of life.

However, it is a fact that cow is subjected to cruelty and atrocity. It is in the interest of the nation to take effective steps to prevent cruelty to cows by prohibiting their slaughter, which is the extreme form of cruelty. It is, therefore, necessary to have legislation not only for banning slaughter of cow but also for providing protection, shelter and care to cow and its progeny in the country.

The Bill seeks to provide for establishment of cow shelters for taking care of stray and abandoned cows and for prohibition of slaughter of cow and its progeny in the country.

Hence this Bill.

NEW DELHI;
August 14, 2014.

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of adequate number of cow shelters for reception and care of stray cows by the appropriate Government. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL NO. 120 OF 2014

A Bill to provide for payment of compensation to farmers affected by natural calamities and for matters connected therewith.

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 Provision of Compensation to Farmers Affected by Natural Calamities Act, 2014. Short title and extent.

(2) It extends to the whole of India.

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

Definitions.

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

(b) “farmer” means a person who owns agricultural land not exceeding ten acres and includes a share cropper or a person who cultivates land belonging to other under the tenancy system;

(c) “natural calamity” includes drought, flood, cyclone, hailstorm, landslide, cloud burst, tsunami, earthquake or fire especially in forest and adjacent areas or such other conditions as may be notified by the appropriate Government from time to time; and

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

Formulation of comprehensive Insurance Scheme by the Central Government.

3. (1) The Central Government shall formulate a comprehensive Insurance Scheme providing for insurance cover against natural calamities to standing crops, agricultural equipments and other related accessories or items required by farmers for carrying out agricultural operations.

(2) The Insurance Scheme shall be implemented and monitored by such public sector insurance company, as the Central Government may deem appropriate.

(3) All expenditure incurred in implementing and monitoring the scheme shall be borne by the Central Government.

Survey of district affected by natural calamity.

4. (1) Whenever any district is affected by a natural calamity, the District Collector concerned or such other officer, as the appropriate Government may specify, shall cause to conduct a survey of the district and prepare a report on such survey within one month of the occurrence of the natural calamity.

(2) Without prejudice to the generality of the foregoing provision, the report prepared under sub-section (1) shall include,—

(a) such details, as may be prescribed, about the farmers who have been affected by natural calamity;

(b) extent and estimate of loss or damage to crops due to natural calamity;

(c) amount of loan taken by the farmers for raising the crop; and

(d) extent and estimate of loss of agricultural equipments and other necessary accessories.

(3) The report prepared under sub-section (1) shall be forwarded by the District Collector to the Central Government.

Payment of compensation to farmers by insurance companies.

5. (1) The Central Government shall, on receipt of the report from the District Collector, make its recommendations about the loss or damage in each case in such manner as may be prescribed and forward them to the insurance company entrusted under sub-section (2) of section 3 for implementing and monitoring the Insurance Scheme.

(2) The insurance company shall, within one month from the date of receipt of recommendation, pay such amount as compensation to the farmers as recommended by the Central Government.

Central Government to issue directives to insurance companies.

6. The Central Government shall issue, from time to time, necessary directives to the insurance company, for carrying out the purposes of this Act.

Act not to be in derogation of other laws.

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

Power to make rules.

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

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

STATEMENT OF OBJECTS AND REASONS

Crops are affected by natural calamities very often. Every year, the standing crops are destroyed due to either drought or heavy floods and farmers suffer in silence. Presently, there is drought like situation in several parts of the country.

It is true that we have crop insurance scheme for farmers but it does not cover all types of crops against all natural calamities. The insurance coverage is not comprehensive as it is based on premium amount and many factors are not taken into account while determining the loss suffered by farmers. Moreover, the crop insurance is not a statutory mechanism.

In view of the above, it is proposed to put in a place a permanent statutory mechanism to ensure that the farmers get their due compensation in the event of natural calamities.

Hence this Bill.

NEW DELHI;
August 14, 2014.

CHANDRAKANT KHAIRE

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)
OF THE CONSTITUTION

[Copy of letter No. 35-23/2014-DM(Pt.) dated 16 October, 2014 from Shri Radha Mohan Singh, Minister of Agriculture to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Provision of Compensation to Farmers Affected by Natural Calamities Bill, 2014 by Shri Chandrakant Khaire, Member of Parliament, recommends to the House the consideration of the bill under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall formulate a comprehensive Insurance Scheme providing for insurance cover against natural calamities to standing crops, agricultural equipments required by farmers for carrying out agricultural operations. It also provides that all expenditure incurred in implementing and monitoring the scheme shall be borne by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is, of a normal character.