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The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 4th December, 2015:—

I

BILL No. XXIII OF 2015

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constituion (Amendment) Act, 2015.

Short title, and
commence-
ment.

(2) It shall come into force at once.

2. In article 348 of the Constitution, for clause (2), the following shall be substituted, namely:—

Amendment
of article 348.

"(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, after prior intimation to the President, authorize the use of the Hindi Language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State".

STATEMENT OF OBJECTS AND REASONS

Our Father of Nation, Mahatma Gandhiji, was quoted by the Hon'ble Supreme Court that the baby takes its first lesson from its mother. It may be a sin against the motherland to inflict upon her children a tongue other than their mother's for their mental development. It is highly deplorable that no concrete steps have been taken in this regard till date.

Due to rising literacy level among common people and enhanced influence of electronic and print media on the society, the participation on people in various judicial proceedings has been rising very sharply now-a-days. Generally, people in states are not much conversant and comfortable with English language. Allowing use of regional language under provisions of article 348(2) of Constitution in various High Courts of concerned States may be helpful to the Society to play greater role in our independent judicial system. For the aforesaid purpose, article 348 (2) is required to be amended suitably for enabling the use of regional languages in High Courts of concerned states.

Hence, this Bill.

MANSUKH L. MANDAVIYA

II**BILL NO. XXII OF 2015**

A Bill further to amend the Deposit Insurance and Credit Guarantee Corporation Act, 1961.

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

1. (1) This Act may be called the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2015.

Short title
and
commencement.

(2) It shall come into force at once.

47 of 1961

2. In section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, (hereinafter referred to as the principal Act)—

Amendment
of section 2.

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

“(dda) ‘co-operative credit society’ means a society registered under the Co-operative Societies Act, 1912”.

2 of 1912

(ii) after sub-clause (v) of clause (eea), the following sub-clause shall be inserted, namely:—

“(vi) a co-operative credit society”.

(iii) in clause (g), for the words “banking company or a co-operative bank” wherever they occur, the following shall be substituted, namely:—

“banking company, co-operative credit society or a co-operative bank”.

Insertion of
new section
11B.

3. In the principal Act, after section 11A, the following section shall be inserted, namely:—

Registration of
co-operative
credit society.

“11B. The Corporation shall register every co-operative credit society before the expiry of thirty days from the date of its establishment”.

Amendment
of section 14.

4. In the principal Act, in section 14, for the words “Regional Rural Bank or a co-operative bank” wherever they occur, the following shall be substituted namely:—

“Regional Rural Bank, co-operative credit society or a co-operative bank”.

STATEMENT OF OBJECTS AND REASONS

There are many investment companies operating in the country which cater to the need of different kinds of investors. While big banking companies have educated wealthy persons as their clientele, on the other hand small workmen and daily wagers park their savings in small co-operative societies formed in and around their workplaces or residences, which also lend them money in times of need. There occur cases of default by these investment companies.

Though the investors of banking companies be if a rural bank, co-operative bank or a urban bank have a very unique facility of safeguarding of their savings in cases of default by the banking company, which has been guaranteed under the provisions of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, such facility is not available to the depositors of the co-operative credit societies.

In the event of default of payment by the co-operative societies, small investors lose their lifetime savings. In view of the hardships faced by the small investors, it is felt that the facility of safeguarding of their savings as provided under the Deposit insurance and Credit Guarantee Corporation Act, 1961 should be extended to cover the cooperative societies also.

Hence, this Bill.

MANSUKH L. MANDAVIYA

III

BILL NO. XXI OF 2015

A Bill to provide for prohibition of using telecommunication system for making hoax calls and short message service and for matters connected therewith or incidental thereto.

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

Short title, and commencement. **1.** (1) This Act may be called the Prohibition of Using Telecommunication System for Hoax Calls Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force at once.

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

Definitions.

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

(b) "telecommunication system" means any mode of electronic telecommunication and includes any landline telephone, public telephone booth, mobile phone, satellite phone, internet phone or any other such means;

(c) words and expressions used but not defined in this Act but defined in the Indian Penal Code 1860, the Indian Telegraphic Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts.

45 of 1860.
13 of 1885
21 of 2000

3. (1) The use of any telecommunication system for hoax calls or hoax Short Message Service (SMS) or for any other similar purpose is hereby prohibited.

Prohibition of Misusing telecommunication system.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. Any person who is found guilty of making a hoax call or hoax SMS with an intention to spread fear or panic in public shall be punished with rigorous imprisonment for a minimum term of seven years which may extend upto ten years and a fine of ten lakh rupees.

Penalty.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable and non-bailable.

2 of 1974

Offence to be cognizable.

6. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Overriding effect of the Act.

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

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The menace of hoax calls or SMS made from local public telephone booths, Mobiles, internet phones etc. for spreading false information related to spreading fear, panic, and sexual harassment by using these devices has reached alarming levels. Every day the newspapers are filled with reports of misuse of the telecommunication system by anti-social elements for making false/hoax calls or SMS raising a serious security concern for our nation which adversely affects the functioning of police forces and disrupts public services at large.

The culprits of such nefarious acts are encouraged to continue their activities since the punishment for such terrible acts is very minimal. It is felt that if, harsh punishment is imposed on perpetrators of such heinous acts, they would discontinue their activities. Therefore, it is proposed to provide for punishment for making hoax calls to curb this nuisance.

Hence, this Bill.

MANSUKH L. MANDAVIYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislative powers is of normal character, as the matters to be prescribed are of details only.

IV

BILL NO. XXVII OF 2015

A Bill to provide for proper handling and disposal of millions of tonnes of electronic waste being generated by discarded electronic devices like television, personal computer, floppies, audio-video CD, batteries, cell phones, refrigerators, air conditioners, electronic toys, telephones, washing machines, electric switches, etc. by prescribing norms and fixing responsibilities and duties on manufacturers, recyclers and consumers with regard to disposal of electronic waste and for matters connected therewith or incidental thereto.

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

Short title,
extent and
commencement.

1. (1) This may be called the Electronic Waste (Handling and Disposal) Act, 2015.

(2) It extends to the whole of India.

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

Definitions.

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

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

(b) "consumer" means a person using products capable of generating electronic waste;

(c) "disposal" means final disposal of electronic-waste in terms of the prescribed norm to prevent contamination of ground water, surface water, ambient air quality and harmful effect on human health;

(d) "electronic-waste" means waste generated from discarded television, personal computer, floppy, audio-video CD, battery, cell phone, refrigerator, air conditioner, electronic toys, telephone, washing machine, electronic switch and such similar products;

(e) "operator" means a person or establishment who owns or operates a facility for collection, transportation and disposal of electronic waste;

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

(g) "re-cycler" means the person who processes electronic-waste for transforming it into raw material for producing new product which may or may not be similar to original product;

(h) "storage" means the temporary containment of electronic waste in a manner so as to prevent its littering and hazardous effects on human being;

(i) "transportation" means carrying of electronic waste from one place to other place hygienically through specially designed transport vehicle so as to prevent littering and harmful effect on human being.

3. (1) The appropriate Government shall ensure that all the electronic wastes generated within its territorial jurisdiction is handled and disposed in accordance with compliance criteria and procedure in such manner as may be prescribed.

Appropriate Government to ensure disposal of electronic-waste.

(2) The appropriate Government shall provide infrastructure development for collection, storage, transportation and disposal of electronic waste.

(3) The appropriate Government may after due authorization, authorize any operator to collect, transport and dispose of the electronic waste in such manner as may be prescribed.

4. (1) The Central Government in consultation with Central Pollution Control Board may prescribe the compliance criteria and procedure for handling and disposal of electronic waste.

Compliance criteria and procedure for disposal of electronic waste.

(2) The Central Pollution Control Board shall monitor the implementation of the compliance criteria and procedure for handling and disposal of electronic waste.

5. It shall be the duty of every manufacturer:—

Duty of Manufacturer.

(i) to ensure that every product being released in the market which is capable of producing electronic waste shall contain;

(a) the procedure for its handling and disposal; and

(b) the information about the parts which can be recycled and which cannot be recycled.

(ii) to install collection centres for the hazardous electronic waste for proper disposal depending upon the quantum of the product sold in the market; and

(iii) to create public awareness through advertisements, publications and other electronic mediums with regard to hazardous substances in their product which may cause ill effect to human body.

6. It shall be the duty of the consumer to ensure that the Electronic-Waste is not disposed of in any other manner except in the manner prescribed for the purpose.

Duty of Consumer.

Registration and responsibility of re-cycle.

7. (1) Every re-cycler of the electronic product shall be registered with the appropriate Government in such manner as may be prescribed.

(2) It shall be the responsibility of every re-cycler to re-cycle only those parts of an electronic product which have been permitted by the manufacture to be recycled.

Penalty.

8. Whoever violates the provision of this Act and the rules made there under shall be liable for imprisonment which may extend to one year and shall also be liable for fine which may extend to five lakh rupee.

Offence by a company.

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

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

Explanation.— For the purpose of this section :—

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

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

Act to has overriding effect.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of this Act shall be in addition to and not derogation of any other law for the time in force.

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

All kind of electronic goods have become the household articles today. Every home has not one but a number of electronic products. Once these electronic products become obsolete or discarded, they are either thrown in the garbage or given to *Kabariwala*. The *Kabariwala* sells these products to scrap dealers who dismantle these gadgets and keep what is useful and rest of it is rendered into garbage which then is thrown in the landfills. This, of course, is not the proper way of its disposal. In this way millions of tonnes of electronic waste is generated in various metropolitan cities in the country. A number of components in these electronic products are hazardous and should be disposed of in an environment friendly manner. Many of these products contain components that contain toxic substances like lead, cadmium, mercury, hexavalent chromium, barium, beryllium and carcinogenic agents like carbon black and heavy metals. These elements can cause serious problems to the health of the person handling it and can also damage the environment if they are not disposed of properly.

In various countries, there are laws for proper disposal of electronic waste products and the procedure for it is also displayed on the product. There it is also indicated on the product what can be recycled and what cannot be recycled. But, in our country disposal of electronic-waste is nobody's responsibility. As of now, there is no law or guideline for the disposal of electronic waste and no account is being taken how much is being generated and how it is being disposed of. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 3(2) of the Bill provides that the appropriate Government shall provide for infrastructure for collection, storage, transportation and disposal of the electronic waste. In view of this it is estimated that a recurring expenditure of rupees fifty crores would be involved from the Consolidated Fund of India per annum.

Non-recurring expenditure of rupees two hundred crores would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

The rules will relate to matters of details only. The delegation of legislative power is of normal character.

V

BILL NO. XXVIII OF 2015

A Bill to provide for setting up of a Board for determination of prices of consumer goods and services commonly used by public in the country and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Consumer Goods Price Fixation Board Act, 2015. Short title,
(2) It extends to the whole of India. extent and
(3) It shall come into force with immediate effect. commence-
ment.

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

(a) "Board" means the Consumer Goods Price Fixation Board constituted under section 4;

(b) "consumer goods" means any grocery item including milk, bread, cooking oils, cosmetic items, cloths, vegetables, fruits, finished goods or services which are commonly used by public and such other items as the Central Government may, by notification, in this regard, notify.

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

(d) words and expressions used in this Act but not defined and defined in the Consumer Protection Act, 1986, shall have the meaning respectively assigned to them in that Act.

Board to fix the price of all the consumer goods and services.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall fix the price of all the consumer goods and services through the Board set up under section 4.

Establishment of Consumer Goods Price Fixation Board.

4. (1) The Central Government shall, by notification in the Official Gazette, establish, for achieving the objective mentioned in section 3, a Board to be called the Consumer Goods Price Fixation Board.

(2) The Board shall consist of members on such terms and conditions as may be prescribed, for carrying out its functions.

(3) The Board shall have its office in the capital city of each State and Union Territory.

(4) The Board shall have such number of officers and employees as may be necessary for performing its functions.

Functions of the Board.

5. (1) The Board shall fix the prices of all the consumer goods and services in the country.

(2) The Board shall, before fixing the prices, take into account the following factors besides other things:—

(i) quality of products;

(ii) demand and supply of products;

(iii) cost of production;

(iv) loss during production;

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

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

(3) The Board may fix different prices for different products and services in different States and in accordance with quality of the product and input cost and other relevant factors.

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

Publicity to the prices fixed by Board.

6. The Board shall cause to publish the prices fixed for various consumer goods and services in newspaper, radio/television, cable network.

Penalty.

7. If any person contravenes any decision of the Board he shall be punished with three years simple imprisonment and a fine which may extend upto rupees fifty thousand.

Offences by Companies.

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

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

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

Explanation.— For the purpose of this section:—

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

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

9. 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 orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time in force.

Overriding
effect of the
Act.

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

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

There are many initiatives that have been taken with the sole objective of protecting the rights of the consumers. The government has also brought forward many legislative measures in this regard. These legislations would help consumer fight for his rights and are helpful in checking the malpractices. But, there is hardly any check on the prices of consumer goods. It has been seen that after one percent increase in the taxation or even for no reason, many unscrupulous manufacturers would enhance price of their products, sometimes, manifold. There is hardly any relationship between the quality and quantity of their product on the one hand and the price, on the other.

This problem is acute in the rural areas. In villages, commodities of such inferior quality are being sold at exorbitant prices. Of late there has been unbridled rise in the prices of essential commodities and other consumer products. The goods of daily use have gone out of the reach of the common man. The same is the position of various services commonly used by public.

In order to fix the prices of consumer goods and services, it has been proposed that a Board shall be set up with its offices in every State and UT. The Board, apart from determining the price of products, shall also act as a check on the agencies who increase the prices at their own will. Since the functions and policies of the Board are regulated by the Central government, the prices of the product will be uniform throughout the country to some extent.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up a Board for the price fixation of the consumer goods and services. The Board shall have offices in the capital city of each State and Union Territory.

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

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

VI**BILL NO. XXIX OF 2015**

A Bill to provide for regulation and control of gymnasiums and fitness centres which are engaged in activities, such as giving training on weight lifting and body building and conduct courses for weight reduction and proper nutrition in the country and for matters connected therewith or incidental thereto.

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

Short title
extent and
commencement.

1. (1) This Act may be called the Gymnasiums and Fitness Centres (Regulation) Act, 2015.

(2) It extends to the whole of India.

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

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

Definitions.

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

(b) "competent authority" means any office or officer notified by the appropriate Government under section 4 to perform functions assigned under this Act;

(c) "gymnasium or fitness centre" means any establishment by whatever name called engaged in giving training on weight lifting, body building and giving nutritional advice on fitness and weight reduction;

(d) "instructor" means any person engaged for giving training on weights, body building and nutritional advice to members enrolled in any gymnasium or fitness centre;

(e) "member" means any person enrolled with any gymnasium or fitness centre;

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

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, no person or establishment shall run a gymnasium or a fitness centre without prior registration with the competent authority.

Compulsory registration of Gymnasium and fitness centres.

(2) Any person or establishment running a gymnasium and fitness centre before the commencement of this Act shall apply for registration to the competent authority within a period of forty-five days from the date of commencement of this Act in such form and manner as may be prescribed.

4. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a competent authority for the purposes of registration of gymnasiums and fitness centres within its jurisdiction.

Procedure for registration.

(2) On receipt of an application for registration of gymnasium or the fitness centres, the competent authority shall scrutinize the application and may call for such other information or documents from the applicant as may be prescribed.

(3) The competent authority shall, before registering any gymnasium or the fitness centre, inspect the site to have the first hand information of the infrastructure available with the gymnasium or the fitness centre and the compliance of the norms and standards fixed by the appropriate Government in this regard.

(4) The competent authority shall, after being satisfied with the various requirements under this Act, grant a registration certificate to the applicant in such manner and form as may be prescribed which shall be valid for two years.

(5) The competent authority shall renew the registration only after re-inspecting the gymnasium or the fitness centres and on fulfilment of requirements fixed in this behalf by the appropriate Government under this Act.

(6) The competent authority may refuse to register a gymnasium or fitness centre or renew its registration if fails to comply with the norms and standards fixed by the appropriate Government:

Provided that in case of non-registration or non-renewal of registration of a gymnasium or a fitness centre, the competent authority shall record reasons in writing and communicate the same to the applicant.

(7) The competent authority shall take a decision on the application filed under sub-section (2) within a period of thirty days.

Appropriate Government to prescribe norms for gymnasium and fitness centres.

5. The appropriate Government shall,—

(a) fix the fee to be charged by the gymnasium and fitness centres from members for various activities;

(b) prescribe minimum qualification for instructor in the gymnasium and fitness centre;

(c) fix the instructor-member ratio for gymnasium and fitness centres;

(d) lay down norms for minimum infrastructure for starting and running gymnasium and fitness centres;

(e) prescribe such other norms as may be necessary for the purpose.

Penalty.

6. Whoever contravenes the provisions of this Act and the rules made thereunder shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to five lakhs rupees.

Offences by a Company.

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

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

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

Explanation.—For the purpose of this section:—

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

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

Power to remove difficulties.

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

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

Overriding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time being in force.

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

With the increase in the awareness among the public to have good health and physique, gymnasium and fitness centres are mushrooming in every nook and corner of big cities. Some big fitness centres have branches in many parts of the country, including small towns. These gymnasiums and fitness centres charge a hefty fee from their members who with a view to have better looks and physique spend the money. Many of these gymnasiums and fitness centres are not having adequate infrastructure to run their activities and are operating from small room, garage, terrace etc. The activities of body building and weight lifting is closely linked with the diet of a person and if the person is not advised about the proper diet, it may have an adverse effect on the health of a person. This is a highly specialised job which must be carried out by professionals under strict supervision and hygienic environment. Many of the so-called gymnasiums are not having, qualified instructors and are running without any nutritionist or dietician. These gymnasiums are just fleecing their members besides playing with the health of lakhs of people. As of now, there is no effective law to regulate the operations of gymnasiums and fitness centres. Therefore, it is high time to regulate the activities of these gymnasiums to protect the interest of public at large.

Hence, this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 4 of Bill provides that the appropriate Government shall appoint competent authority for the purposes of registration of gymnasium and fitness centres. The expenditure for appointing competent authorities in respect of Union Territories shall be borne by the Central Government. It is expected that an annual recurring expenditure of rupees twenty crore may be involved.

Non-recurring expenditure to the tune of rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

VII**BILL NO. XXXII OF 2015**

A Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.

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

1. (1) This Act may be called the Andhra Pradesh Reorganisation (Amendment) Act, 2015.

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, but not later than six months from the date of assent to this Act.

6 of 2014

2. In the Andhra Pradesh Reorganisation Act, 2014 (hereinafter referred to as the principal Act, in section, 46, after sub-section (3), the following shall be inserted, namely:—

Amendment
of Section 46.

“(4) Notwithstanding anything in sub-sections (1) to (3), the Central Government shall grant the successor State of Andhra Pradesh the special status for ten years.”

3. In the Thirteenth Schedule of the principal Act under the sub-heading ‘Infrastructure’ (i) after entry 6, the following shall be inserted, namely:—

Amendment of
Thirteenth
Schedule of
Act 6 of 2014.

“Notwithstanding anything in entry 6, the Government of India shall make the existing Visakhapatnam, Vijayawada and Tirupati airports to be of international standards within five years from the date of commencement of this Act.”

(ii) after entry 8, the following shall be inserted namely:—

“Notwithstanding anything in entry 8, the Government of India shall create the new railway zone within one year from the date of commencement of this Act.”

(iii) after entry 9, the following shall be inserted namely:—

“Notwithstanding anything in entry 9, the Government of India shall get the process of improving road connectivity implemented in the backward regions of the successor State of Telangana within five years from the date of commencement of this Act.”

(iv) after entry 10, the following shall be inserted namely:—

“Notwithstanding anything in entry 10, the Government of India shall establish a Rail Coach Factory in the successor State of Telangana and improve rail connectivity in the State within two years from the date of commencement of this Act.”

STATEMENT OF OBJECTS AND REASONS

After reorganisation of the State of Andhra Pradesh, the successor States namely, Telengana and Andhra Pradesh are facing difficulties in generating finance and creating infrastructure. While the State of Telengana is facing power crisis, the State of Andhra Pradesh is facing financial crunch and under-development in the matter of infrastructure. Hence, there is an urgent need to expedite the process of development in both the States.

The Bill seeks to achieve the above object.

DR. T. SUBBARAMIREDDY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall grant special status to the successor State of Andhra Pradesh. Clause 3 provide for expeditious implementation of various projects and infrastructure development within a stipulated period. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is likely to involve annual recurring expenditure of rupees fifty thousand crore.

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

VIII

BILL NO. XXXIII OF 2015

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

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

1. (1) This Act may be called the Supreme Court (Establishment of a Permanent Bench at Visakhapatnam) Act, 2015.

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 established a permanent bench of the Supreme Court at Visakhapatnam with such number of Judges as the Chief Justice of India, may with the approval of the President decide, to exercise, jurisdiction in respect of cases arising in the States of Andhra Pradesh, Telangana, Orissa, Tamil Nadu, Kerala, Karnataka, Chhattisgarh and Maharashtra and such other territory as may be notified by the Central Government with the approval of the Chief Justice:

Establishment of a permanent bench of Supreme Court at Visakhapatnam.

Provided that the number of judges at the bench at Visakhapatnam shall not be less than seven.

STATEMENT OF OBJECTS AND REASONS

The pursuit of justice before law is a costly endeavour which has been made more expensive by inordinate delays. The logistical problems also aggravate litigation costs and further delays.

The rate of pending court cases in the country has crossed many millions and there is a severe backlog of court cases in the beleaguered legal system.

Article 130 of the Constitution of India provides that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President appoint.

Hence, the Bill seeks to establish a permanent Bench of the Supreme Court at Visakhapatnam in Andhra Pradesh. There is already infrastructure and other facilities available at Visakhapatnam. This will provide an effective mechanism to make the judicial procedure for justice people-friendly and efficient.

DR. T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

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

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

IX**BILL NO. XXXIX OF 2015**

A Bill to provide for financial protection and security to girl child of parents living below poverty line and for matters connected therewith or incidental thereto.

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

Short title,
extent and
commence-
ment.

1. This Act may be called the Financial Assistance to Girl Child Belonging to Parents Living Below Poverty Line Act, 2015.

(2) It extends to the whole of India except the State of J&K.

(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 other cases, the Central Government;

(b) “girl child” means any female child upto the age of twenty years belonging to the parents living below poverty line; and

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

3. (1) The Central Government shall set up a fund to be known as the Girl Child Development Fund.

Establishment of Girl Child Development Fund.

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

(3) The appropriate Government shall deposit a sum of one lakh rupees in the bank account of every girl child of below poverty line family at the time of her birth within its territorial jurisdiction.

(4) The deposit shall mature when the girl child attains the age of eighteen years or such period as may be fixed by the appropriate Government and such proceeds may be used by the girl child for education purpose, etc.

4. The appropriate Government shall issue directions to the nationalised and private sector banks or insurance companies, within six months of the coming into force of this Act, to formulate suitable schemes which provide benefits of fixed or term deposit or insurance benefits to the girl child.

Schemes to be formulated by banks and insurance companies.

5. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force giving benefits to the girl child.

Overriding effect of the Act.

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

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Even after the completion of sixty-eight years of Independence, no clear-cut policy for the overall development of girl child belonging to below poverty line (BPL) family has been formulated in our country so far. Today, a girl child of a poor family has to face problems at every stage. This includes, problems relating to poverty, upbringing, malnutrition, education, employment, vocational training, health care and problems faced at the time of her marriage. There is no institutional mechanism to harness the potential and channelize the energy of girl child of BPL family for the betterment of the country. There is no proper planning for comprehensive development of girl child. The plight of girl child belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes is even worse. Apart from all the problems as mentioned above, they also have to face social ostracisation. Birth of a girl child is still considered to be a curse.

There is a need to instill a sense of belongingness among the female children by providing them all opportunities for their development so that they can contribute to the progress of the country to their full potential. The facilities should be provided to them as a matter of right and not as a privilege. The steps taken in this direction will not only uplift the conditions of girl child but will also create a better society leading to a civilized and stronger nation. The Government should take responsibility of depositing one lakh rupees or as may be prescribed in financial institutions like banks and insurance companies in the name of new born girl child of BPL family, which will become a handsome amount after eighteen years or so which can be used for the purpose of higher education, skill development, training etc. of the girl child.

In this way, financial protection and security to girl child of BPL family must be ensured. This Bill seeks to achieve the above objectives.

T. SUBBARAMIREDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for creation of a Girl Child Development Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore will be involved.

A non-recurring expenditure of about rupees one thousand five 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 provisions of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

X**BILL NO. LV OF 2015**

A Bill to provide for the prevention of the rising problem of technological gadgets and addiction among the citizens in the country

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

Short title,
extent and
commencement.

1. (1) This Act may be called The Prevention of Addiction of Technological Gadgets Act, 2015.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "addiction" means physical or mental dependence on a particular substance or a service or a product or a device or a gadget;

(b) "appropriate Government" means in relation to state, Government of that particular state and in all other cases, the Central Government;

(c) "digital detoxication center" means any health establishment, including Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy Establishment, by whatever name called, either wholly or partly, meant for the care of persons with technological gadget addiction illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person;

(d) "gadget" means a small tool or device generally mechanical or technological in nature that does something useful;

(e) "mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence;

(f) "Psychiatrist" means a medical practitioner possessing a post-graduate degree or diploma in psychiatry awarded by an university recognised by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognised by the National Board of Examinations and included in the First Schedule of India Medical Council Act, 1956, or recognised by the Medical Council of Indian, constituted under the Indian Medical Council Act, 1956 (102 of 1956), and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of this Act; and

(g) "technological gadget" means any gadget or device such as mobile phone, laptop, gaming device, personal digital assistant, tablet, music player etc.

3. (1) The appropriate Government shall recognize technological gadget addiction as a mental illness and take necessary measures in order to give effect to the same.

(2) The appropriate Government shall consider technological gadget addiction as a form of substance abuse and take all necessary measures required in order to give effect to the same.

Recognition of technological gadget addiction as a mental illness and a form of substance abuse.

4. The appropriate Government shall take all measures to ensure that,—

(a) the provisions of this Act are given wide publicity through public media, including television, radio, print and online media at regular intervals;

(b) the programs to reduce stigma associated with technological gadget addiction are planned, designed, funded and implemented in an effective manner;

Creating awareness about technological gadget addiction.

5. (1) The appropriate Government shall establish digital detoxication centres for patients suffering from technological gadget addiction in every district and provide adequate medical facilities for rehabilitation, food, adequate care, protection, lodging and boarding;

(2) The appropriate Government may, by rules, provide for the management and supervision of the centres established under sub-section (1) of this section for providing the best treatment and facilities to the patients.

Creation of digital detoxication centers.

Independent Admission and Treatment in digital detoxication center.

6. (1) Any person, who is not a minor and who considers himself to have a mental illness and desires to be admitted to any digital detoxication center for treatment may request the medical officer or psychiatrist in charge of the Center to be admitted as an independent patient.

(2) On receipt of such request under sub-section (1), the medical officer or psychiatrist in charge of the Center shall admit the person to the Center if the medical officer or psychiatrist is satisfied that—

(a) the person has a mental illness of a severity requiring admission to a digital detoxication center;

(b) the person with mental illness is likely to benefit from admission and treatment to the digital detoxication center;

(c) the person has understood the nature and purpose of admission to the digital detoxication center, and has made the request for admission of his own free will, without any duress or undue influence and has the capacity to make mental health care and treatment decisions without support or requires minimal support from others in making such decisions.

(3) If a person is unable to understand the purpose, nature, likely effects of proposed treatment and of the probable result of not accepting the treatment or requires a very high level of support approaching hundred per cent support in making decisions, he or she shall be deemed unable to understand the purpose of the admission and therefore shall not be admitted as independent patient under this section.

(4) A person admitted as an independent patient to a digital detoxication center shall be bound to abide by order and instructions or bye laws of the Center.

(5) An independent patient shall not be given treatment without his informed consent.

(6) The digital detoxication center shall admit an independent patient on his own request, and shall not require the consent or presence of a nominated representative or a relative or care-giver for admitting the person to the digital detoxication center.

(7) Subject to the provisions contained in Section 8 an independent patient may get himself discharged from the digital detoxication center without the consent of the medical officer or psychiatrist in charge of such Center.

Admission of a Minor in a digital detoxication center.

7. (1) A minor may be admitted to a digital detoxication center only after following the procedure laid down in this section.

(2) The nominated representative of the minor shall apply to the medical officer in charge of a digital detoxication center for admission of the minor to the Center.

(3) On receipt of such an application, the medical officer or psychiatrist in charge of the digital detoxication center may admit such a minor to the Center, if two psychiatrists or one psychiatrist and one mental health professional or one psychiatrist and one medical practitioner, have independently examined the minor on the day of admission or in the preceding seven days and both independently conclude based on the examination and, if appropriate, on information provided by others, that,—

(a) the minor has a mental illness of a severity requiring admission to a digital detoxication center;

(b) admission shall be in the best interests of the minor, with regard to his or her health, well-being or safety, taking into account the wishes of the minor if ascertainable and the reasons for reaching this decision;

(c) the mental health care needs of the minor cannot be fulfilled unless he is admitted; and

(d) All community based alternatives to admission have been shown to have failed or are demonstrably unsuitable for the needs of the minor.

(4) A minor so admitted shall be accommodated separately from adults, in an environment that takes into account his age and developmental needs and is at least of the same quality as is provided to other minors admitted to hospitals for other medical treatments.

(5) The nominated representative or an attendant appointed by the nominated representative shall under all circumstances stay with the minor in the digital detoxication center for the entire duration of the admission of the minor to the digital detoxication center.

(6) In the case of minor girls, where the nominated representative is male, a female attendant shall be appointed by the nominated representative and under all circumstances shall stay with the minor girl in the digital detoxication center for the entire duration of her admission.

(7) A minor shall be given treatment with the informed consent of his nominated representative.

(8) If the nominated representative no longer supports admission of the minor under this section or requests discharge of the minor from the digital detoxication center, the minor shall be discharged by the digital detoxication center.

8. (1) The medical officer or psychiatrist in charge of a digital detoxication center shall discharge from the digital detoxication center any person admitted under Section 6 as an independent patient when the medical officer in charge is of the view that the patient has been cured of the illness immediately or on a request made by such a patient.

Discharge of Patients.

(2) Where a minor has been admitted to a digital detoxication center under Section 7 and attains the age of eighteen years during his stay in the digital detoxication center, the medical officer in charge of the digital detoxication center shall classify him as an independent patient under Section 6 and all provisions of this Act as applicable to independent patient who is not minor, shall apply to such person.

(3) The medical officer or psychiatrist-in-charge of a digital detoxication center shall discharge from the digital detoxication center any person admitted under Section 7 as a minor patient when the medical officer in charge is of the view that the minor has been cured of the illness or immediately on request made by the nominated representative.

9. (1) The appropriate Government shall take measures to address the human resource requirements of mental health services in the country by planning, developing and implementing educational and training programs in collaboration with institutions of higher education and training, to increase the human resources available to deliver mental health interventions and to improve the skills of the available human resources to better address the needs of persons with technological gadget addiction.

Appropriate Government to take measures as regard to human resource development and training, etc.

(2) The appropriate Government shall, at the minimum, train all medical officers in public health care establishments to provide basic and health care to patients suffering from technological gadget addiction.

(3) The appropriate Government shall make efforts to meet internationally accepted guidelines for number of mental health professionals on the basis of population, within ten years from the commencement of this Act.

10. (1) The appropriate Government, as and when required, shall issue guidelines for Prevention of technological gadget addiction.

Guidelines for the prevention of technological gadget addiction.

(2) The guidelines shall be issued after due consultations with the concerned stakeholders.

11. The Appropriate Government shall take all measures to ensure effective co-ordination between services provided by concerned Ministries and Departments such as those dealing with health, law, home affairs, human resources, social justice, employment, education, women

Co-ordination within Appropriate Government.

and child development, medical education to address issues of technological gadget addiction.

National
Research
Center for
Prevention of
Technological
Gadget
Addiction.

12. (1) The appropriate Government may, by notification, establish for the purposes of this Act, a National Research Centre for Prevention of Technological Gadget Addiction and the Research Center shall conduct holistic research activities in the field of prevention of technological gadget addiction.

(2) The Central Government may, by notification, specify the headquarters of the Research Center established by it under such-section (1).

Compulsory
teaching of
prevention of
technological
gadget
addiction in
all
educational
Institutions.

13. (1) From such date, as appropriate Government may, by notification in the Official Gazette specify, the education of prevention of technological gadget addiction shall be given as a compulsory subject in all educational Institutions from such class onwards as may be determined by the appropriate Government.

(2) Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching prevention of technological gadget addiction in educational Institutions.

Restriction
on release of
information
in respect of
technological
gadget
addiction.

14. (1) No photograph or any other information relating to a person with technological gadget addiction undergoing treatment at a technology detoxication center shall be released to the media without the consent of the person with technological gadget addiction.

(2) The Right to confidentiality of person with technological gadget addiction shall also apply to all information stored in technological or digital format in real or virtual space.

Provision of
Funds by
Central
Government.

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

Act to have
Overriding
Effect.

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

Power to
make Rules.

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

STATEMENT OF OBJECTS AND REASONS

India witnessed a technological revolution in the first decade of the 21st century. The penetration of technology ensured that even the population living at the bottom of the economic pyramid can access the fruits of development. The advent of cheap mobile telephony along with low cost internet enabled that citizens in the country have a greater access to information and thereby make more informed choices. However like every other modern form of development, even technology came along with its set of externalities. Over a period of time, the phenomenon of excessive use of mobile phones, video games and technological gadgets such as laptops, tablets etc. is being witnessed in the Indian society. This phenomenon is not just restricted to the urban areas but also in the rural parts of the country. According to the Telecom Regulatory Authority of India (TRAI) the total number of wireless telephone subscribers in India was 988.69 million as of August 2015.

The problem of Gadget Addiction in the country is getting serious by the day. The most harmful effect of the same can be seen on children who are getting addicted by such technological gadgets and are turning into couch potatoes. Excessive usage of television, mobile phones, video games and computing devices is not only hampering their physical, mental and psychological growth in the most productive years of their life but is also making them totally isolated from the society.

Due to this disorder, people stay glued into their technological gadgets at all times of the day. May it be while driving or crossing the road or even while performing daily life tasks such as eating or using the washroom, people just cannot move away from their technological gadgets. This problem is slowly but steadily penetrating into Indian households and has the capability of destroying the ethos of cultural traditions of the country. The excessive use of technological gadgets affects the premise or the foundation of a cohesive and collaborative society. In a series of surveys conducted by global IT security solutions firm Kaspersky Lab in the year 2015, 73 percent of the respondents in India were found to be 'digital addicts'. In the year 2014, a study from 10 countries done by A.T. Kearney Global Research revealed that 53 per cent of Indian respondents surveyed connected to the internet every waking hour which was higher than the global average of 51 per cent. Very little surveys has been done on this front at a national level and hence, there is also a pertinent need to conduct such independent surveys in the country to estimate the magnitude of the problem of technological gadgets disorder.

Moreover, the excessive use of technological gadgets is extremely detrimental to the health of population especially young and growing children. Medical research has found that the children who spend more time on the internet have high chances of elevated blood pressure. There is a tendency to use technological gadgets late in the night after switching off the light and hence, it severely affects the eye sight of human beings. More so, it also induces sleeplessness among the addict users.

This phenomenon is termed as technological gadget addiction and is being slowly recognized as a serious problem in various countries. In 2008, China became the first country in the world to declare Internet addiction a clinical disorder. In the year 2013, South Korean Government stated that one in every five students is addicted to smartphone usage. In Japan, a Study published by the Government stated that in the year 2013, 8.1% of approximately 100,000 junior-high and high-school students polled were likely to be "pathologically" addicted to the Internet. The Government of South Korea has passed a Shutdown Law also known as Cinderella Law whereby children under the age of 16 are not allowed to access gaming websites from midnight 12 am till 6 am. In Sanskrit, it is rightly said—अतिपरिचयात् अवज्ञा which means too much of acquaintance causes disrespect. This very well holds true for technology and technological gadgets as well.

Having a mental disorder or an illness is considered as a taboo in Indian society. It is necessary that the taboo around such problems is removed and a more conducive environment is created so that the patients suffering from such problems can be treated in a more humane manner. It is an imperative that technological gadget addiction is considered as a mental problem in the first place so that required awareness can be created about this problem persisting in the society. Digital detoxication centers will ensure that the patients suffering from gadgets or internet overdose are treated in an effective manner so that they can live a more peaceful and happy life. Moreover, this Bill also mandates the creation of National Research Centre for prevention of technological gadget addiction in the country. Minimal research has been done on this front across the globe and hence, through this Research Center and its robust working, India can make significant contribution in solving the problem of technological gadget addiction in the world. Compulsory education of prevention of technological gadget addition will ensure that the most susceptible section of the society to such disorder-young children will become more aware about this problem and can be better placed to face the same.

With efforts being made to promote the digital technologies in the country at every stage by the government, it is also necessary that appropriate laws are created in order to prevent the ill effects of the over usage of the same. The need of the hour is to follow the age old time tested Sanskrit adage—अति सर्वत्र वर्जयेत्—Let excess be avoided everywhere.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for publicity through public media. Clause 5 provides for the creation of digital detoxication centers. Clause 9 provides for addressing the human resource requirement of Mental Health Services and the training needs.

Clause 12 provides for the establishment of National Research Center for Prevention of Technology Gadget Addiction. A non-recurring expenditure of rupees one thousand and five hundred crore is also likely to be involved.

Clause 15 provides that the Central Government shall provide requisite funds for carrying out the purposes of the Bill. At this stage, it is not possible to estimate the amount to be incurred. However, 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 one thousand crore would be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

XI**BILL NO. LII OF 2015**

A Bill further to amend the Constitution of India.

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

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force at once.

Amendment
of Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(i) existing entries 3 to 16 shall be renumbered as entries 4 to 17 respectively, and before entry 4 as so renumbered, the following entry shall be inserted, namely:—

"3. Bhojpuri."

(ii) after entry 17 as so renumbered, the following entry shall be inserted, namely:—

"18. Rajasthani."

(iii) existing entries 17 to 22 shall be renumbered as entries 19 to 24, respectively.

STATEMENT OF OBJECTS AND REASONS

Bhojpuri is an Indo-Aryan language which originated from Sanskrit and like Sanskrit it is also a scientific language. There are 40 million speakers of this language in India and 50 million worldwide. This is mainly spoken in north Indian states and on different islands of the world. In geographical and numerical terms Bhojpuri speakers are bigger than Maithili language which is part of eighth Schedule. Bhojpuri is a historical language which got its name from Bhojpur in Bihar. Bhojpur was founded by Bhoj Dynasty rulers who came from Ujjain during medieval times. The origin of the language in India is traced back to 700 AD which is now more than a thousand years old. World Bhojpuri Day is celebrated on the birth date of Sant Kabir Das. Bhojpuri is a very beautiful, simple and sweet language whose speakers numerically are no less than speakers of any other prominent language of India like Bengali, Gujarati, Marathi etc.

In addition to Bhojpuri, Rajasthani language is also amongst the Modern Indo-Aryan Languages. It is also a historical language which is spoken in India and worldwide by millions of people. There are various universities in Rajasthan where teaching arrangements have been made for this language. It has a glorious past of ancient literature which developed majorly during Asoka times of Saurashtra Prakrit. The development of Gujarati language, included in the Eight Schedule has also its close relation with Rajasthani language. All major ancient historical documents are available in this language and especially its medieval literature is extremely rich.

Both these historically rich languages have not grown to their true potential because of the neglect and lack of governmental support. Since they are not recognized by government and do not find place in Eighth Schedule with other languages as a result their reach is decreasing day by day. Also due to these reasons both languages have not been part of the Union Public Service Commission examination and millions of people who having good knowledge of the language are deprived from giving this examination. This neglect of historical languages is not good for our rich heritage and culture.

Therefore, it is proposed to recognise the rich historical and cultural significant of both these languages and immediate provisions should be made in the Eight Schedule of the Constitution to give them their respectful place what they have deserved from so long.

Hence this Bill.

VIVEK GUPTA

XII

BILL NO. LIV OF 2015

A Bill to prohibit any organization in conduct and promotion of lotteries and for matters connected therewith or incidental thereto.

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

Short title
and extent.

1. (1) This Act may be called the Prohibition of Lotteries Act, 2015.

(2) It extends to the whole of India.

Definitions.

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

(a) “lottery” means a scheme, in whatever form and by whatever name called, for distribution of prizes by lot or chance to those persons participating in the lots or chances of prize by purchasing tickets either in paper form or through online;

(b) “organisation” means any local or other authority functioning under the control of the Central Government or a State Government and includes an undertaking established by or under a Central, Provincial or State Act or which is controlled or financed wholly or substantially by funds, provided directly or indirectly by the Central Government or a State Government or a Government company as defined in the Companies Act, 2013.

18 of 2013.

Prohibition of
lotteries.

3. No. organization shall organise, conduct or promote any lottery or sell or distribute or put for sale any lottery ticket either in paper form or through online, in any manner whatever or receive or remit any money in pursuance thereof.

STATEMENT OF OBJECTS AND REASONS

Lotteries are a species of gambling. It generates a false sense of security among the poor who get addicted to it and often ruining their lives. At present, twelve States including Sikkim, Nagaland, Mizoram, Maharashtra, Punjab, West Bengal and Goa promote lottery. The paper lottery business in India is estimated to be more than 500 billion rupees annually and everyday nearly 20 million people buy lottery tickets issued by various organizations. The online lottery tickets like playwin, lotto India, dhan dhana dhan, etc. are doing a brisk business and overtaking paper based lotteries. These lotteries are now infesting the community of the young and old alike by entering through the electronic media.

The first attempt to ban lottery in India came in 1998 when the Government brought in the Lotteries (Regulation) Act, 1998 (17 of 1998) which bans single digit and pre-announced number lotteries besides imposing stipulation for conduct of lotteries. The Parliamentary Standing Committee also recommended a total ban on the trade across the country. The Bill proposes to ban on all kinds of lotteries including online across the country with a view to ensure that gullible people are not looted by bogus claim of making them rich overnight.

Hence, this Bill.

VIJAYGOEL

XII

BILL NO. LVI OF 2015

A Bill to provide for the basic amenities and clearance of Jhuggi-Jhopri areas and slum areas and for matters connected therewith.

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Slums and *Jhuggi-Jhopri* areas (Basic Amenities and Clearance) Act, 2015.

(2) It extends to Union territories only.

(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) “building” includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building.

(b) “competent authority” means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purpose of this Act;

(c) “*jhuggi-jhopri*” means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

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

(e) “slum” means an area consisting of *jhuggi-jhopri* areas, badly built and over-crowded houses and buildings; and

(f) “slum clearance” means the clearance of any slum area by demolition and removal of buildings therefrom.

3. The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Competent authority to declare slum areas.

4. For the purpose of effective implementation of this Act, the Central Government shall, through the competent authority,—

Central Government to provide basic amenities to inhabitants of slums and construct new dwelling unit through competent authority.

“(i) carry out the works of improvement in slums and *jhuggi-jhopri* areas from time to time in such manner as may be prescribed;

(ii) provide all basic amenities in slums and *jhuggi-jhopri* areas in such manner as may be prescribed;

(iii) extend financial assistance or vocational training to the inhabitants of slums and *jhuggi-jhopri* areas for their self-employment; and

(iv) construct and allot dwelling units to the inhabitants of slums and *jhuggi-jhopri* areas where such areas have been declared as slum basic amenities and clearance areas.

5. (1) Where the competent authority is satisfied that most satisfactory method of dealing with conditions in a slum area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a slum clearance area, that is to say, an area to be cleared of all buildings in accordance with provisions of this Act and the rules made thereunder.

Competent authority to declare any slum area to be a clearance area.

(2) The competent authority shall give adequate notice to the inhabitants of slums and *jhuggi-jhopri* areas before demolition of houses, shelters or buildings.

(3) The competent authority shall not remove or demolish any *jhuggi-jhopri* areas till all residents of the area have been evacuated and allotted alternative dwelling units with all basic amenities at convenient locations.

6. On and from the date of commencement of the Act, no person shall be allowed to set up any *jhuggi-jhopri* in any area.

Ban on setting up of *jhuggi-jhopri* areas.

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

Central Government to make provision of funds.

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

Act to have overriding effect.

Act not to be
in derogation
of other laws.

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

Power to
make Rules.

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

A considerable people of our country are at present living in slums and jhuggi-jhopri areas under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and jhuggi-jhopri area under inhuman conditions. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and jhuggi-jhopri areas. However, there is no policy to deal with the problems of slums and jhuggi-jhopri areas.

Being a welfare state, it is the duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be cleared.

The Bill seeks to achieve the above objective.

B.K. HARIPRASAD

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide basic facilities to those who are living in slum areas. Clause 7 of the Bill provides that Central Government shall provide adequate funds for carrying out the purpose of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand five hundred crore will be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the 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.

XIV**BILL NO. LIII OF 2015**

A Bill to amend the Armed Forces (Special Powers) Act, 1958.

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

1. (1) This Act may be called the Armed Forces (Special Powers) Amendment Act, 2015.

Short title
and com-
mencement.

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

28 of 1958

2. In the Armed Forces (Special Powers) Act, 1958 (hereinafter referred to as the principal Act), in section 6, the following provisio shall be inserted, namely:

Amendment
of section 6.

“Provided that no such sanction for the institution of any prosecution, suit or legal proceeding shall be required against any public servant, police officer, or a member of

the armed forces on active duty in an areas notified as a disturbed area, if he is accused of having committed a sexual offence under section 375, sub-sections (1) & (2) of 376, section 376A, section 376C, section 376D or section 376E of the Indian Penal Code, 1860.”

45 of 1860.

Insertion of
new section
6A.

3. In the principal Act, after section 6, the following section shall be inserted, namely:—

Beach of
superior
command
responsibility.

“6A. (1) Whoever, being a public servant in command, control or supervision of the police or armed forces, or assuming command whether lawfully or otherwise, fails to exercise control over persons under his or her command, control, or supervision and as a result of such failure offences under section 375, sub-section (1) & (2) of section 376, section 376A, section 376C, section 376D or section 376E of the Indian Penal Code are committed, by persons under his or her command, control or supervision, shall be guilty of the offence of breach of command responsibility, where:—

- (a) such public servant either knew or owing to the circumstances should have known that the persons under his or her command, control or supervision may commit such offences; and
 - (b) such public servant failed to take necessary and reasonable measures within his or her power to prevent or repress the commission of the said offences.
- (2) Whoever is guilty of the offence of breach of command responsibility shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years.”

STATEMENT OF OBJECTS AND REASONS

The Armed Forces (Special Powers) Act, 1958 was enacted as an enabling legislation to vest certain special powers in members of armed forces deployed in areas notified as “disturbed areas” to act in aid of the local civil administration in quelling threats posed to the law and order and security interests of the state. The Act vests certain special powers in the armed forces to enable them to carry out their duties effectively and grants them immunity from prosecution in respect of anything done or purported to be done in exercise of powers conferred under this Act.

However, the perpetration of sexual violence and rape on the local population can, under no circumstances be said to have been committed in furtherance of the effective discharge of their official duties or in pursuit of any lawful objective. In the event that such an act of rape or sexual violence is committed by any public servant, including police officers and members of the armed forces, there is no reason to grant them immunity from prosecution for such an offence, or await the grant of a sanction to institute legal proceedings aimed at remedying the grievances of victims of sexual violence in areas already affected by law and order disturbances and insurgencies.

The tight structure of command, and obedience that is inherent to law enforcement agencies and armed forces personnel dictates that if a superior officer fails to restrain his subordinates from committing rape or acts of sexual violence that are, and always will be beyond their authority to discharge their official duties, they too, must be held liable for having failed to properly discharge their duties in a lawful manner. The introduction of the offence of breach of command responsibility was also proposed by the Justice Verma Committee in its Report on Amendment to Criminal Laws in 2013.

Hence, this Bill.

AVINASH PANDE

SHUMSHER K. SHERIFF,
Secretary-General.