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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 18th December, 2015:—

BILL NO. 180 OF 2015

A Bill to provide for certain measures to be undertaken by the Union and the State Governments for the welfare of mentally retarded children 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 Mentally Retarded Children (Welfare) Act, 2015. 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. In this Act, unless the context otherwise requires,— Definitions.

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

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

(*iii*) "Committee" means the Residential Schools Management Committee cconstituted under section 6;

(*iv*) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

(*v*) "residential school" means an institution or home which is run privately or with Government aid for the education and protection of mentally retarded children; and

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

Census for mentally retarded children.

3. The appropriate Government shall from time to time hold, within its jurisdiction, a census for collecting all relevant data relating to mentally retarded children.

Setting up of residential schools and providing education and employment to mentally retarded children.

4. The appropriate Government shall,—

(*i*) establish residential school for mentally retarded children in every district;

(*ii*) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost;

(*iii*) provide job oriented professional education and training for self-employment to mentally retarded children after they complete their school education according to their capability; and

(*iv*) pay subsistence allowance or financial assistance to such mentally retarded children as are not able to earn livelihood.

Monthly allowance to the guardian or caretaker of the mentally retarded children.

5. The appropriate Government shall provide such monthly allowance to the guardian or caretaker of every mentally retarded child for his livelihood, health care and treatment, as may be prescribed.

Residential Schools Management Committee.

6. (*1*) The appropriate Government shall set up a local Committee in every district to be known as the Residential Schools Management Committee to look into issues relating to admissions and management of residential schools.

(*2*) The Committee shall consist of—

(*a*) the District Magistrate who shall be the Chairperson *ex-officio;* and

(*b*) not more than five members, of whom at least two members shall be women, from amongst the persons living in that district and have knowledge in the field of child welfare to be nominated by the Chairperson.

(*3*) The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee.

Facilities to be provided in residential schools.

7. (*1*) The appropriate Government shall appoint—

(*i*) well trained teachers who have experience of teaching mentally retarded children and of addressing their special needs; and

(*ii*) such administrative personnel for better management of residential schools as it may be deem necessary.

(*2*) The salaries and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

Central Government to provide funds.

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

Power to make rules.

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

(*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

The number of mentally retarded children is continuously increasing in the country. They become mentally and physically dependent due to mental retardation. The families of mentally retarded children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of mentally retarded children in the country. The mentally retarded children and their families bear this torture without any fault of theirs. The families are forced to bear the unbearable cost of care and health services for mentally retarded children. Several guardians disown these children considered as burden on the family and leave them alone on bus stands, railway stations, temples and masjids for begging. Anti-social elements take advantage of this situation. Several welfare institutions for the mentally retarded children in the country are facing difficulty in keeping them under their protection after their having attained eighteen years of age. They need more protection and support at this point of their age. Therefore, the Governments should come forward for welfare of mentally retarded children and take care of their life term livelihood. The provisions of financial assistance to the guardians or caretakers will help them to bring these mentally retarded children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of mentally retarded children and provide protection to them in order to remove their dependence on social institutions in view of their plight. The provision for affording an opportunity to mentally retarded children to live with pride is expected to be made by the Government.

Therefore, it is extremely necessary to provide for the welfare measures of mentally retarded children in the country.

Hence this Bill.

NEW DELHI;
July 6, 2015.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that a child census may be conducted to collect all relevant data of mentally retarded children. Clause 4 provides for setting up of residential schools to impart education and training to mentally retarded children. Clause 5 provides for monthly allowance to the guardian/caretakers of the mentally retarded children. Clause 6 provides for setting up of a Residential School Management Committee in every district. Clause 7 provides for appointment of teachers and non-teaching staff along with all basic facilities in residential schools. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. 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, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate 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.

BILL NO. 210 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.

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

Insertion of new articles 16A and 6AA.

2. After article 16 of the Constitution, the following articles shall be inserted, namely:—

Right to Employment.

"16A. The State shall provide gainful employment to all eligible citizens:

Provided that where any eligible citizen is not provided with employment, he shall be paid unemployment allowance at such rate, as Parliament may, by law, determine, till he gets gainful employment.

16AA. The State shall pay subsistence allowance at such rate, as Parliament may, by law, determine, to all citizens who cannot be provided with gainful employment under article 16A on account of old age, sickness, disablement or any other undeserved want.”. Right to subsistence allowance in cases of old age, etc.

STATEMENT OF OBJECTS AND REASONS

There has been a fall in the employment generation in the country due to economic slowdown throughout the world. The rate of unemployment is also on the rise in agriculture sector, which forms the foundation of Indian economy. Owing to computerization and industrialization, there has been industrial growth but employment opportunities have not grown proportionately. Therefore, Government have to create more jobs in different sectors of the economy to overcome the problem of unemployment in the country. Citizens should be provided with suitable opportunities for gainful employment for sustaining their livelihood. Right to employment should be made a fundamental right of the citizens so that every citizen can get a job and contribute to the development and progress of the nation. Simultaneously, Government should come forward to provide succor to old aged, sick and differently abled citizens by providing subsistence allowance to such citizens so that they can also lead their lives in a dignified manner. Such persons are equally entitled to avail opportunities for their overall development.

The Bill, therefore, seeks to amend the Constitution with a view to make right to employment as a fundamental right by making a provision of —

(i) gainful employment to all eligible citizens;

(ii) unemployment allowance to eligible citizens till the time they are provided with gainful employment; and

(iii) subsistence allowance to all citizens who cannot be provided with gainful employment on account of old age, sickness, disablement or any other undeserved want.

Hence this Bill.

NEW DELHI; OM PRAKASH YADAV

July 6, 2015.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the State shall provide gainful employment to all eligible citizens and payment of unemployment allowance to them till they get gainful employment. It also provides for payment of subsistence allowance to all citizens who cannot be provided with gainful employment on account of old age, sickness, disablement or any other undeserved want. 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 would be involved from the Consolidated Fund of India.

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

BILL NO. 267 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.

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

Substitution of new article for article 331.

2. For article 331 of the Constitution, the following article shall be substituted namely:—

Representation of the Anglo-Indian and the Overseas Indian communities in the House of the People.

"331. Notwithstanding anything in article 81, the President may, if he is of opinion that—

(*a*) the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People; and

(*b*) the Overseas Indian community is not adequately represented in the House of the People, nominate not more than eight members of that community, having special knowledge or practical experience in respect of such matters as business, literature, science, art, sports and social service from South Asia, South East Asia and Asia Pacific region, Middle East, Central Asia, Africa, Europe, North America and South America to the House of the People.".

STATEMENT OF OBJECTS AND REASONS

The Indian Diaspora is about twenty-two million strong and spread across nearly two hundred countries. The Indian Diaspora facilitated and promoted invaluable cultural, economic and political exchanges between India and their country of residence. In this age of globalization, the tangible and intangible benefits accrued to the country's progress due to such exchanges cannot be overlooked. The extraordinary success of overseas Indians are celebrated widely in India and their contributions have been acknowledged by the Government through Pravasi Bhartiya Samman. In addition to this, Non-Resident Indian's voting rights were enhanced when the Government accepted the Election Commission's recommendations for allowing Non-Resident Indians to cast their votes through proxy voting and e-ballots in polls in India.

India remains the largest recipient of officially recorded remittances from overseas workers in the world. India received about $70 billion in remittances in 2013 thereby contributing 3.7 per cent. to the country's GDP. This amount is equivalent to 25 per cent. of international reserves, 15 per cent. of India's exports, 12 per cent. of imports covered and surpassed earnings from Information Technology services that amounted to $65 billion. These remittances promote prosperity and are an effective antidote to combat poverty that is rampant in our country. Moreover, Non-resident Indians bank deposits were $103.84 billion for the financial year 2013-14, according to data given by the Reserve Bank of India.

According to the United Nations Fund for Population (UNFPA), despite many positive contributions made by migrated population to the development of countries of their origin, it is essential that these non-resident persons are not seen solely as agents of development. They are human beings and nations of their origin have an obligation to give them their due rights and protection.

Inspite of the separate ministry dedicated for the welfare of overseas Indians, millions of emigrants staying abroad are facing problems like poor working conditions, low wages and human rights abuses in the country of their residence and harassment by authorities for doing business in India, admission of their children in education institutions and lack of legal assistance in India.

In order to evolve an inclusive approach as well as commemorating one hundredth anniversary of Mahatma Gandhi's return to India, representation to overseas Indian community in the House of the People should be allowed so that myriad problems faced by them in different parts of the world can be adequately addressed.

The Bill, therefore, seeks to amend the Constitution with a view to provide that the President shall nominate not more than eight members in the House of the People, from amongst the persons having special knowledge or practical experience in respect of such matter as business, science, art, sports and social service, from amongst overseas Indian community representing South Asia, South East Asia and Asia Pacific, the Middle East, Central Asia, Africa, Europe, North America and South America.

NEW DELHI;
July 9, 2015.

POONAM MAHAJAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 331 of the Constitution, with a view to provide representation of Overseas Indian community in the House of the People.

Article 106 of the Constitution provides that the members of either House of Parliament shall be entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees forty-five crore would be involved per annum.

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

BILL NO. 326 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:—

Short title and commencement.

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

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

Amendment of section 26.

2. In section 26 of the Andhra Pradesh Reorganisation Act, 2014, in sub-section (*1*), for the words "Subject to the provisions contained in article 170 of the Constitution", the words "Notwithstanding anything contained in article 170 of the Constitution" shall be substituted. 6 of 2014.

STATEMENT OF OBJECTS AND REASONS

Undivided Andhra Pradesh had a vast population of around nine crores and the successor States of Telangana and Andhra Pradesh have populations of approximately 4 and 5 crores, respectively. Section 26 of the Andhra Pradesh Reorganisation Act, 2014 guarantees that this huge population be given enhanced representation through an increase in the number of Assembly seats from 119 to 153 in the case of the State of Telangana and from 175 to 225 in the case of the State of Andhra Pradesh, respectively. However, this increase in Assembly seats cannot take place as Section 26 is "subject to the provisions of article 170 of the Constitution", which puts a freeze on delimitation of Assembly constituencies.

This has become a real deterrent to the legitimate rights of the people of the States of Andhra Pradesh and Telangana who are entitled to an increase in representation in the State Assemblies. What makes the fulfillment of this promise more imperative is that the Act has been enacted under the provisions of article 2, 3, and 4 of the Constitution, articles so powerful that they can amend any part of the Constitution while forming a new State. Article 4(1) specifically mentions changes in representation in the State Legislature: "(1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislatures of the State or States affected by such law) as parliament may deem necessary.".

Thus, the very purpose of including Section 26 (1) in the Act is to increase the Assemblies seats in both States. If the provisions of article 170 of the Constitution were to be followed, then there was no need for inserting section 26 in the Act as States are going to receive an increased number of Assemblies seats after 2026 in any case. Therefore, it is highly likely that the drafting error where section 26 begins with the words 'Subject to' instead of 'Notwithstanding' needs to be corrected.

Hence this Bill.

NEW DELHI;
July 21, 2015.

VINOD KUMAR BOIANAPALLI

BILL NO. 325 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:—

Short title and commencement.

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

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

Amendment of section 31.

2. In section 31 of the Andhra Pradesh Reorganisation Act, 2014, in sub-section (*2*), the following proviso shall be added at the end, namely:— 6 of 2014.

"Provided that the notified order shall be issued within a maximum period of two years from the coming into force of this Act.".

STATEMENT OF OBJECTS AND REASONS

Section 31 of the Andhra Pradesh Reorganisation Act, 2014 clearly states that the principal seat of the High Court of Andhra Pradesh shall be at such place as the President may, by notified order, appoint. Thus, all that is necessary for bifurcation of the High Court of Andhra Pradesh is a notified order, which essentially means a cabinet decision. However, for some inexplicable reason, this decision has been pending ever since the passage of the Act in the year 2014. This is a denial of the legitimate right of both the States of Telangana and Andhra Pradesh to have their own High Courts. In order to expedite this process, the Bill, therefore, seeks to amend the Andhra Pradesh Reorganisation Act, 2014 with a view to put a time limit so that the bifurcation is done by April, 2016.

Hence this Bill.

NEW DELHI;
November 17, 2015.

VINOD KUMAR BOIANAPALLI

BILL NO. 305 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 on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new article for article 130.

2. For article 130 of the Constitution, the following article shall be substituted, namely:—

Seat of the Supreme Court.

"130. The Supreme Court shall sit in Delhi and, if necessity arises, constitute permanent Bench or Benches at such other place or places, as the President of India may, with consultation of the Chief Justice of India, appoint so as to facilitate early disposal of cases.".

STATEMENT OF OBJECTS AND REASONS

The number of pending court cases in the country has crossed the three crore mark. Figures on the chronic backlog of court cases are an indictment of the country's beleaguered legal system. The plight of persons awaiting trail needs to be understood and addressed. The appellants are already burdened and further have to face the ordeal of travelling thousands of kilometers to the Supreme Court in Delhi for their trial and the consequent follow up. It is not just the wastage of time, but also an increased financial burden that makes the process inconvenient, cumbersome and expensive. It is for this reason the language of article 130 clearly indicates that there was an intention of the founding fathers of the Constitution to have more than one seat of the Supreme Court.

The need become pronounced and the recommendation that new benches of the Supreme Court be created was made by the Parliamentary Standing Committee on Home Affairs in 56th, 61st and 72nd reports, the Committee on Law and Justice in its 2nd, 6th, 15th, 20th, 26th and 28th reports and the Law Commission in its 95th, 125th and 229th reports. They have asked for the creation of three new "Cassation Benches" of the Court which would be in the North-Eastern, Western and Southern regions of the country. These could handle civil and criminal appeals arising out of the orders/judgments of the High Courts and the main bench in Delhi could focus solely on constitutional matters. This way the workload would be better divided, case disposal rates would increase and there would be better geographical access for citizens to the Supreme Court.

It is, however, highly unfortunate that the Full Court of the Supreme Court has persistently opposed this reform through resolutions in 1999, 2001, 2004, 2006 and 2010. The most recent opposition was in 2010 when a Full Court of 27 judges headed by the Chief Justice of India passed a resolution that reiterated the position that dividing the Court would undermine the country's unitary character and would destabilise the country's integrity.

This is an assertion and not an argument. The Full Court has never explained to the Government exactly how such a move would undermine the country's unitary character or destabilise the Supreme Court. It is in fact a fallacious and misleading argument. Creating new benches will only strengthen the Court's functioning and will in no way weaken it or the country's integrity.

Unfortunately as the Court has made its opposition to reform absolutely clear, there is no other alternative but to amend article 130 of the Constitution and give the power to appoint benches to the President instead of the Chief Justice. This will finally enable this long-pending demand to be carried out.

Hence this Bill.

NEW DELHI;
November 17, 2015.

VINOD KUMAR BOIANAPALLI

BILL NO. 234 OF 2015

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

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

Short title and commence-ment.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(*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 the Indian Penal Code, 1860, the following section shall be substituted, namely:— 45 of 1860

Sedition.

"124A. Whoever, by words, either spoken or written, or by signs, or by visible representation or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or

with imprisonment which may extend to three years, to which fine may be added, or with fine:

Provided that the provisions of this section shall apply only when the words, signs, visible representation or any other action directly results in incitement of violence and commission of an offence punishable with imprisonment for life under this Code.

Explanation 1.—Mere comments or signs or visible representation or any other act expressing disapprobation of the measures of the Government do not constitute an offence under this section.

Explanation 2.—Mere comments or signs or visible representation or any other act expressing disapprobation of the administrative or other action of the Government, do not constitute an offence under this section.".

STATEMENT OF OBJECTS AND REASONS

Sedition as defined under section 124A of the Indian Penal Code, has been a subject of great dissatisfaction amongst advocates of unhindered freedom of speech and expression and critics of the Government.

Sedition, as we know today, was imported from the English legal system and enacted as an offence in 1870, to suppress any criticism of British policies, in pre-independent India. It became an instrument to terrorise the natives and implicate nationalist newspapers which disapproved of British colonialism. Bal Gangadhar Tilak, Annie Besant, Jogendra Chandra Bose and Mahatma Gandhi were amongst the first prominent figures to be charged with sedition. In fact, Mahatma Gandhi called it his moral duty to disobey this draconian provision, for it was enacted by an evil State.

Consequently, the Constituent Assembly decided against the inclusion of sedition as one of the restrictions to the fundamental right of free speech guaranteed under article 19 of the Constitution. Pandit Jawaharlal Nehru also vioced his discontent against section 124A by stating that "the sooner we get rid of it, the better".

However, this colonial legacy continues unchecked, for protecting the sentiments of successive Governments. It is increasingly being used to harass and intimidate journalists, human rights activists, artists and political activists, and illustrators, according to the whims of the members of the State and Central Government and other public institutions.

Even though the Supreme Court has narrowed the scope and applicability of section 124A, in its landmark judgment in *Kedar Nath Singh V/s State of Bihar* case, where it linked sedition to a test of tangible evidence of actual harm, the lower courts and investigating authorities have continually overlooked this interpretation of the Supreme Court. Section 124A was invoked to harass thousands of village who were peacefully protesting against the establishment of a nuclear plant in the State of Tamil Nadu, where over 300 FIRs were registered without any clear evidence of incitement to violence.

Thus, there is an urgent need to amend section 124A of the Indian Penal Code in compliance with the judgment of the Supreme Court and to prevent the possibility of undue harassment of citizens who simply disagree with the Government.

It is also increasingly pertinent to do so because the United Kingdom itself has abolished sedition and seditious libel, labelling it as a repressive law that caused more harm than good.

This Bill seeks to replace section 124A of the Indian Penal Code with a new provision which will implicate an individual for sedition only when it directly results in the use of violence or incitement of violence and results in the commission of an offence, which is punishable with imprisonment for life under the Indian Penal Code, 1860.

The amended provision will promote the freedom of speech and the right to express dissent against the Government, while ensuring safeguards against the use of words to incite violence.

Hence this Bill.

NEW DELHI;
July 23, 2015.

SHASHI THAROOR

BILL NO. 334 OF 2015

A Bill to provide for the establishment of an effective system to protect refugees and asylum-seekers by means of an appropriate legal framework to determine claims for asylum and to provide for the rights and obligations flowing from such status and matters connected therewith;

WHEREAS, the Constitution of India requires all persons to be treated in a fair and just manner consistent with the guarantees of equality, fairness and due process of law;

AND WHEREAS, the Supreme Court and the High Courts in India have extended the protection of certain fundamental rights to refugees and asylum-seekers;

AND WHEREAS, India has acceded to all major international human rights instruments and demonstrated its commitment to international law and human rights norms including the right to seek asylum and the principle of non-refoulement;

AND WHEREAS, India has a long tradition and experience of providing humanitarian assistance and protection to refugees and asylum-seekers;

AND WHEREAS, there is a need to consolidate, streamline and harmonize the varied practices, policies and standards applicable to refugees and asylum-seekers in India.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Asylum Act, 2015.

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

(*a*) ''Appellate Board'' means the National Appellate Board of Asylum established under section 20;

(*b*) ''applicant'' means an asylum-seeker who, after entering the national territory of India, has filed an application for asylum under this Act;

(*c*) ''application for asylum'' means an application for the grant of asylum made under section 10;

(*d*) ''asylum'' means refugee status recognized in terms of this Act;

(*e*) ''asylum-seeker'' means a foreigner who after entering the national territory of India expresses an intention to seek a grant of asylum;

(*f*) ''Chairperson'' means the Chairperson of the Appellate Board appointed under section 21;

(*g*) ''Chief Commissioner'' means the Chief Commissioner of the Commission appointed under section 17;

(*h*) ''child'' means any person under the age of 18 years;

(*i*) ''Commission'' means the National Commission for Asylum established under section 16;

(*j*) ''Commissioner'' means a Commissioner of the Commission appointed under section 17;

(*k*) ''country of origin'' means the country of nationality of the refugee or asylum-seeker, or, if he has no nationality, the country of his former ordinary residence;

(*l*) ''dependant'' in relation to an asylum-seeker or a refugee, includes the spouse, any dependant child, or aged or infirm family member of such asylum-seeker or refugee;

(*m*) ''foreigner'' means a person who is not a citizen of India;

(*n*) ''hearing'' means the proceedings before the Commission or the Appellate Board, as the case may be, under the terms of this Act;

(*o*) ''mass influx'' means a situation where considerably large numbers of people from a specific country or geographical area, arrive at, or cross, an international border of India, and are notified as such under section 30;

(*p*) ''Member'' means a Member of the Appellate Board appointed under section 21 of this Act;

(*q*) ''nationality'' means the status of a person who is attached to a state by the tie of allegiance and includes but is not limited to citizenship, membership of an ethnic, linguistic or racial group.

(*r*) "person" does not includes any company or association or body of individuals, whether incorporated or not;

(*s*) "persons with special needs" include unaccompanied children, disabled persons, aged or infirm persons, pregnant women, single mothers or single fathers with accompanying child or children or persons who have been subjected to torture, rape or other serious psychological, physical or sexual violence;

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

(*u*) "refugee" means an applicant whose application for asylum has been determined to meet the criteria under section 4 by the Commission or the Appellate Board, as the case may be, under the terms of this Act or who has been declared to be a refugee by a notification under section 30.

Principles of refugee protection.

3. In exercising the powers conferred by this Act, regard shall be had to the following considerations, namely—

(*a*) that all foreigners who have faced or are at risk of facing persecution in their country of origin, and who enter India, whether directly from their country of origin or indirectly, or who are already persent in India, are entitled to seek asylum;

(*b*) that care has to be taken to ensure that the principle of *non-refoulement* mentioned under section 8 is upheld;

(*c*) that the determination of applications for asylum must be by a fair and transparent system that must abide at all times with the norms of due process;

(*d*) that asylum-seekers are entitled to interim legal protection and shall not be expelled or returned before a final decision on asylum is reached;

(*e*) that asylum-seekers and refugees are vulnerable persons deserving of basic social and economic protection;

(*f*) that the repatriation of a refugee to his country of origin must be conducted in a safe and dignified manner and only after ensuring that the decision to repatriate is voluntary and informed; and

(*g*) that the unity of a refugee's family shall be maintained.

CHAPTER II

PRINCIPLES OF REFUGEE STATUS

Criteria for recognition as a refugee.

4. (*1*) A person qualifies as a refugee for the purposes of this Act if such person—

(*a*) is outside his country of origin and is unable or unwilling to return to or avail himself of the protection of that country because of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnicity, membership of a particular social group or political opinion; or

(*b*) has left his country owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

(*2*) Dependants of a person who qualifies as a refugee under sub-section (*1*) shall also be deemed to be refugees.

(*3*) In the case of a person who has more than one nationality, the term country of origin shall mean each of the countries of which he has nationality.

Exclusion.

5. (*1*) A person shall be excluded from protection under this Act if—

(*a*) there are serious reasons for considering that—

(*i*) he has committed a crime against peace, a war crime or a crime against

humanity, as defined in any international legal instrument dealing with any such crimes which India has acceded to; or

(*ii*) he has committed a serious non-political crime outside India prior to his entry into the national territory; or

(*iii*) he has committed inhuman acts for any reason whatsoever outside of India; or

(*iv*) he has instigated, abetted or otherwise participated in committing the acts mentioned in sub-clauses (*i*), (*ii*) or (*iii*); or

(*b*) he poses a serious threat to the public order or national security of India and—

(*i*) has been convicted of an offence in India which is punishable by a term of imprisonment of at least 10 years; or

(*ii*) has committed an act outside India that, if committed in India, would constitute an offence punishable by a term of imprisonment of at least 10 years; or

(*c*) he has been recognised by competent authorities of India as having the rights and obligations of an Indian citizen.

(*2*) The exclusion of the applicant from protection under this Act shall not require the exclusion of his dependants where none of the reasons for exclusion applies to them.

Cessation.

6. (*1*) A person shall cease to be a refugee for the purposes of this Act if—

(*a*) he can no longer refuse to avail himself of the protection of the country of his citizenship, because the circumstances in respect to which he was recognised as a refugee have ceased to exist; or

(*b*) he voluntarily re-avails himself of the protection of his country of origin; or

(*c*) he has acquired the citizenship of India; or

(*d*) he has acquired the citizenship of some other country and enjoys the protection of that country; or

(*e*) he has voluntarily re-established himself in the country which he left, or outside which he remained owing to fear of persecution; or

(*f*) he has voluntarily regained the citizenship that he had been deprived of; or

(*g*) he, having been stateless, is able to return to the country of former ordinary residence as the circumstances in respect to which he was recognised as a refugee no longer apply.

(*2*) In the assessment under clauses (*a*) and (*g*) of sub-section (*1*),—

(*i*) consideration shall be given to whether the circumstances upon which the status was granted no longer apply or have changed significantly and permanently; and

(*ii*) due consideration shall further be given to any compelling reasons presented by the refugee concerned, arising out of previous persecution, for refusing to return to his country of origin or his former ordinary residence.

Cancellation and revocation.

7. (*1*) A person's status as a refugee may be cancelled for the purposes of this Act if—

(*a*) he, or a third party acting on his behalf, misrepresented or concealed facts that were material to the determination of refugee status, with or without fraudulent intent; or

(*b*) he is guilty of misconduct, including threats or bribery; or

(*c*) there was an error of fact or law in the granting of the status; or

(*d*) there was misconduct or administrative error at any stage in the hearing, including the wrongful issuance of relevant documents.

(*2*) A person's status as a refugee shall be revoked for the purposes of this Act if he subsequently engages in conduct that falls within the exclusion criteria under section 5.

Principle of *Non-refoulement.*

8. No refugee present within the national territory of India shall be expelled or returned in any manner whatsoever to any country where his life or freedom would be threatened on account of his race, religion, sex, nationality, ethnicity, membership of a particular social group or political opinion.

Provisions for removal from India.

9. (*1*) Subject to section 8, a refugee or asylum-seeker may be removed from India only if—

(*a*) the concerned authority of the Central Government has certified that the refugee or asylum-seeker falls within the grounds specified under sub-section (*1*) of section 5, or sub-section (*1*) of section 6 or section 7; or

(*b*) his application for asylum has been finally denied.

(*2*) The removal of a person on the grounds specified in sub-section (*1*) shall be effected only after such person has been duly informed of the intention of the Central Government to remove him and given the opportunity to show cause against such removal, within such time and in such manner as may be prescribed, with regard thereto.

(*3*) Where an order is made for the removal of a refugee or asylum-seeker from India, any dependant of such refugee or asylum-seeker, who has not been granted asylum, may be included in such an order and removed from India:

Provided that before any order for the removal of a dependant is made, such dependant shall be afforded a reasonable opportunity to make an application for asylum and he either fails to apply or his application for asylum is finally denied by the Appellate Board.

(*4*) The Central Government may, by an order in writing, cause any refugee or asylum-seeker ordered to be removed from India, to be detained pending such removal.

(*5*) Where an order for removal is made, the concerned refugee or asylum-seeker will be removed to his country of origin:

Provided that where such refugee or asylum-seeker wishes to be removed to a third country, he shall be afforded reasonable time to obtain approval from such country, for his removal to that country.

(*6*) An order for removal shall be made only by the concerned authority of the Central Government in writing.

(*7*) An order for removal shall not be made until the final determination of an application for asylum under this Act.

CHAPTER III

PROCEDURE TO APPLY FOR ASYLUM

Application for asylum.

10. (*1*) Every asylum-seeker shall have the right to make an application for asylum addressed to the Commission in such manner as may be prescribed.

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(*2*) Where a police officer or any other person exercising powers under the Foreigners Act, 1946, intercepts a foreigner who is seeking entry into India at any port of entry or international border and who expresses the intention to make an application for asylum, such police officer or person shall not deny entry into the national territory to such asylum-seeker and shall give him the necessary information regarding the procedure for asylum, and

assist him in making an application for asylum under this Act.

(*3*) An application for asylum shall be made within sixty days following the asylum-seeker's entry into India:

Provided that the Commission may extend the period for making an application for asylum if it is satisfied that the asylum-seeker was prevented for sufficient reasons from filing the application:

Provided further that the Commission may, after due consideration, admit an application for asylum after the said period of sixty days, where such application is based on a claim arising as a consequence of events which have occurred in the asylum-seeker's country of origin since his departure, or because of a significant intensification of pre-existing factors since his departure, or because of a change in his personal circumstances:

Provided also that the Commission may, after due consideration, admit a fresh application for asylum made by the asylum-seeker after the said period of sixty days, where his previous application for asylum was finally rejected, provided however that such fresh application for asylum must arise out of change in the asylum-seeker's personal circumstances or change in the circumstances in his country of origin.

(*4*) The applicant may apply on behalf of accompanying family members who are not his dependants but whose applications are on the same grounds, provided a written consent of the adult family members is attached to the application made on their behalf.

(*5*) No asylum-seeker shall be detained or subjected to any penalty solely on account of his illegal entry into, or stay in India, pending the determination of his application for asylum.

(*6*) Every applicant shall, upon submitting the application for asylum, be issued a registration document by the Commission in the prescribed form, valid for six months and containing identity information of the applicant and, where applicable, the identity information of his dependants and which shall enable those included in it to stay in India pending the determination of the application for asylum, and shall be issued without being subject to any fee:

Provided that where the decision on the application for asylum is not issued before the expiry of the registration document, the document shall be renewed for a further period of sixty days at a time, until a decision is issued.

(*7*) Where the application for asylum is rejected by the Commission, the registration document shall be renewed for a period of sixty days from the date of such decision:

Provided that where the applicant files an appeal application before the Appellate Board, the Commission shall renew the registration document as under sub-section (*2*) of section 12.

Commission to determine application for asylum.

11. (*1*) The Commission shall examine every application for asylum and, after giving an opportunity to the applicant to be heard, and after making such further inquiry as is necessary under this Act, determine whether the applicant is entitled to be recognised as a refugee in accordance with the principles under this Act.

(*2*) During the hearing under sub-section (*1*), the applicant shall be informed of and provided with the services of a competent interpreter and adequate opportunity to present evidence in support of his case.

(*3*) The Commission shall, within three months of the conclusion of the hearing, issue a decision in accordance with section 14, granting or denying asylum to the applicant.

(*4*) Where an application for asylum is accepted by the Commission, or where the appeal application is accepted by the Appellate Board, the Commission shall issue a refugee certificate containing identity information and indicating the legal status of the refugee and

his dependants where applicable and which shall enable those included in it to stay in India legally.

(*5*) Where an application for asylum is rejected, the Commission shall issue a rejection letter containing detailed reasons for the decision.

Appeal to lie to the Appellate Board.

12. (*1*) An applicant aggrieved by a decision of the Commission made under this Act, may, within sixty days from the date of such decision and in such manner and form, as may be prescribed, prefer an appeal to the Appellate Board:

Provided that the Appellate Board may accept an appeal application after the stipulated time period if reasonable cause for the delay is shown.

(*2*) On receipt of an appeal application under sub-section (*1*), the Appellate Board shall direct the Commission to renew the registration document issued under sub-section (6) of section 10 for a period of sixty days at a time, until a final decision is issued.

(*3*) The appellate Board may, after giving an opportunity to the applicant to be heard, and after making such further inquiry as is necessary under this Act, confirm, modify or set aside the decision of the Commission.

(*4*) During the hearing under sub-section (*3*), the applicant shall be entitled to all the rights set out in sub-section (*2*) of section 11.

(*5*) The appellate Board shall, within three months of the conclusion of the hearing, issue a decision in accordance with section 14.

(*6*) Where an application for asylum is accepted at appeal, the Appellate Board shall direct the Commission to issue a refugee certificate as under sub-section (*4*) of section 11.

(*7*) Where an appeal application is rejected, the Appellate Board shall issue a rejection letter containing reasons for the decision.

(*8*) The decision of the Appellate Board shall be final.

Interview.

13. (*1*) All hearings by the Commission under section 11 and the Appellate Board under section 12 shall include an in-person interview with the applicant within ninety days of the receipt of the application for asylum, with a view to reaching an effective and fair decision:

Provided that where the applicant is unable to be physically present for the in-person interview, the Commission or, as the case may be, the Appellate Board, may alternative arrangements to ensure that the applicant has the opportunity to be heard.

(*2*) During the asylum interview, the applicant shall be given the opportunity to express himself in the best possible manner and upon the applicant's request, his lawyer shall be permitted to attend the interview as an observer.

(*3*) The entire hearing shall be conducted under such principles of confidentiality as may prescribed.

(*4*) Due consideration shall be given to the circumstances of persons with special needs during the entire hearing.

(*5*) All asylum hearings shall be recorded in writing.

(*6*) Where dependants are included in the application for asylum, only those above thirteen years of age shall be interviewed.

Decision to be reasoned.

14. (*1*) All decisions of the Commission and Appellate Board shall contain, in writing, the reasons for arriving at the decision, and a copy of the same shall furnished to the Applicant.

(*2*) The decisions, judgements, decrees or orders of the Commission and Appellate Board shall be published, as prescribed, with due regard to principles of confidentiality.

Right to legal representation.

15. (*1*) The applicant or refugee, as the case may be, shall have the right to seek the assistance of a legal practitioner of his choice.

(*2*) Legal assistance shall include legal representation throughout the hearing conducted by the Commission or the Appellate Board, as the case may be.

CHAPTER IV

CONSTITUTION, FUNCTIONS AND POWERS OF AUTHORITIES

Establishment of National Commission for Asylum.

16. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, there shall be established, for the purposes of this Act, a Commission to be called the National Commission for Asylum .

(*2*) The Commission shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name, sue or be sued.

(*3*) The head office of the Commission shall be at New Delhi and the Central Government may direct that additional offices of the Commission be established in any other location as may be necessary.

Composition of the Commission.

17. (*1*) The Commission shall consist of a Chief Commissioner, and not less than six other Commissioners to be appointed by the Central Government.

(*2*) The Chief Commissioner shall be a person who has been a judge of a High Court and shall be appointed in consultation with the Chief Justice of India.

(*3*) The Commissioners shall be appointed by the Central Government in consultation with the Chief Commissioner and shall be persons of ability, intergrity and standing who have special knowledge and professional experience of not less than ten years in refugee law and policy, or not less than ten years of litigation experience in the field of human rights.

Functions of the Commission.

18. (*1*) The Commission shall determine:

(*a*) applications for asylum, in accordance with the principles under this Act;

(*b*) cessation of refugee status in accordance with section 6; and

(*c*) cancellation or revoacation of refugee status in accordance with section 7.

(*2*) The Commission shall issue documentation in accordance with section 10 and section 11.

(*3*) The Commission may also inquire, *suo moto* or on an application presented to it either by an asylum-seeker, refugee or by someone acting on their behalf, in respect of the following—

(*a*) the detention of an asylum-seeker; or

(*b*) any conditions or consequent orders to be passed following the determination of asylum; or

(*c*) the repatriation of a refugee; or

(*d*) any other order that may be necessary under this Act.

(*4*) The Commission shall maintain a record of the details, as prescribed, of applicants who have been granted refugee status under the terms of this Act and shall make the same periodically available to the Central Government.

(*5*) The Commission may consult agencies of the United Nations, non-governmental organizations or experts for the purposes of this Act.

(*6*) The Commission shall undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act.

Powers of the Commission.

19. (*1*) In the discharge of its functions, the Commission shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made by the Central Government, the Commission shall have the power to regulate its own procedure.

(*2*) The Chief Commissioner and the Commissioners shall have the power to delegate to one another such powers or functions as may be prescribed.

(*3*) In particular and without prejudice to the generality of the foregoing provisions, the powers of the Commission shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses, or otherwise take part in the proceedings:

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(*4*) The Commission, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely—

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(*a*) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(*b*) the discovery and production of any document or other material object producible as evidence;

(*c*) the reception of evidence on affidavit;

(*d*) the requisitioning of any public record from any court or office;

(*e*) the issuing of any commission for the examination of witnesses; and

(*f*) any other matter which may be prescribed.

(*5*) The Commission may cause an inquiry to be made into the compliance of its orders or directions made in the exercise of its powers under this Act, and may impose such penalties as may be prescribed.

(*6*) The Commission, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Commission shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(*7*) The Commission may, appoint such administrative, technical, and other staff as it may consider necessary.

Establishment of the Appellate Board.

20. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, there shall be established, for the purposes of this Act, a body to be called the National Appellate Board for Asylum.

(*2*) The Appellate Board shall be a body corporate by the name aforesaid having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(*3*) The office of the Appellate Board shall be at New Delhi or such other location as directed by the Central Government.

Composition of the Appellate Board.

21. (*1*) The Appellate Board shall consist of a Chairperson, and not less than four other Members to be appointed by the Central Government.

(*2*) The Chairperson shall be a person who has been a judge of the Supreme Court and shall be appointed in consultation with the Chief Justice of India.

(*3*) A Member shall be appointed by the Central Government in consultation with the Chairperson and shall be a person who has been a judge of a High Court, or has had at least five years of experience as a Commissioner, or has special knowledge of and professional experience of not less than fifteen years in, refugee law and policy.

Functions of the Appellate Board.

22. (*1*) The Appellate Board may, *suo moto* or on the presentation of an appeal application, examine, confirm, modify or set aside any decision, direction, judgment, decree or order of the Commission.

(*2*) The Appellate Board may also inquire on an appeal application presented to it either by an asylum-seeker or by someone acting on his behalf, in respect of any decision or order given by the Commission under sub-section (*3*) of section 19.

(*3*) The Appellate Board shall direct the Commission to issue documentation in accordance with section 12.

(*4*) The Appellate Board may consult agencies of the United Nations, non-governmental organizations or experts for the purposes of this Act.

(*5*) The Appellate Board shall undertake such measures and give such directions or pass such orders as are necessary, for the purpose of discharging its functions under this Act.

(*6*) Subject to the provisions of the Rules, the Appellate Board shall have the power to review any decision, judgment, decree or order made by it.

Powers of the Appellate Board.

23. (*1*) In the discharge of its functions, the Appellate Board shall be guided by the principles of natural justice and, subject to the other provisions of this Act and any rules made by the Central Government, the Appellate Board shall have the power to regulate its own procedures.

(*2*) The Chairperson and the Members of the Appellate Board shall have the power to delegate to one another such powers or functions as may be prescribed.

(*3*) In particular and without prejudice to the generality of the foregoing provisions, the powers of the Appellate Board shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses or otherwise take part in the hearing:

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(*4*) The Appellate Board, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely— 5 of 1908

(*a*) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(*b*) the discovery and production of any document or other material object producible as evidence;

(*c*) the reception of evidence on affidavit;

(*d*) the requisitioning of any public record from any court or office;

(*e*) the issuing of any commission for the examination of witnesses; and

(*f*) any other matter which may be prescribed.

(*5*) The Appellate Board may cause an inquiry to be made into the compliance of its orders or directions made in the exercise of its powers under the Act and impose such penalties as prescribed.

(*6*) The Appellate Board, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Appellate Board shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(*7*) The Appellate Board may, appoint such administrative, technical, and other staff as it may consider necessary.

Term of Office, Conditions of Service, etc. of the Chief Commissioner, Commissioners Chairperson and the Members.

24. (*1*) At the time of appointing the Chief Commissioner, Commissioner, Chairperson or Member, the Central Government shall satisfy itself that such person does not and will not have any financial or other interest as is likely to affect prejudicially his functions as such Chief Commissioner, Commissioner, Chairperson or Member.

(*2*) The Chief Commissioner, Commissioner, Chairperson or Member shall hold office for a term of five years from the date on which he enters his office and shall eligible for reappointment for a further term of five years:

Provided that no person shall hold office after he has attained the age of seventy years.

(*3*) Notwithstanding anything contained in sub-section (*2*), the Chief Commissioner, Commissioner, Chairperson or Member may—

(*a*) by notice in writing under his hand and addressed to the concerned authority of the Central Government, resign from his office at any time; or

(*b*) be removed from office in accordance with the provisions of section.

(*4*) A vacancy caused by the resignation or removal of the Chief Commissioner, Commissioner, Chairperson or Member under sub-section (*3*) shall be filled by fresh appointment.

(*5*) In the event of a vacancy in the post of the Chief Commissioner or Chairperson, one of the Commissioners or as the case may be, Members, as the Central Government may by notification authorize in this behalf, shall act as the Chief Commissioner or Chairperson, till such date on which a new Chief Commissioner or Chairperson, appointed in accordance with the provisions of this Act, enters office.

(*6*) When the Chief Commissioner or Chairperson is unable to discharge his functions owing to absence, illness or any other cause, such one of the Commissioners or as the case may be, Members, as the Chief Commissioner or Chairperson may authorize in writing in this behalf, shall discharge the functions of the Chief Commissioner or Chairperson, till such date on which the Chief Commissioner or Chairperson resumes his duties.

(*7*) The salaries and allowances payable to, and the other terms and conditions of service of, the Chief Commissioner, Commissioner, Chairperson and Member shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Commissioner, Commissioner, Chairperson or Member shall be varied to his disadvantage after his appointment.

(*8*) The Chief Commissioner or Commissioner, upon ceasing to hold such office, shall not hold any appointment under the Central Government or under any State Government for a period of two years from the date on which he ceases to hold such office, except where he is appointed to the Appellate Board, subject to the provisions of this Act.

(*9*) A Member, upon ceasing to hold such office, shall not hold any appointment under the Central Government or under any State Government for a period of two years from the date on which he ceases to hold such office, except where he is appointed Chairperson, subject to the provisions of this Act.

(*10*) The Chairperson, upon ceasing to hold such office, shall not hold any further appointment under the Central Government or under any State Government.

Removal of the Chief Commissioner, Commissioner, Chairperson and Member from Office.

25. (*1*) The Central Government may remove from office a Chief Commissioner, Commissioner, Chairperson or Member, who—

(*a*) is adjudged an insolvent; or

(*b*) engages during his term of office in any paid employment outside the duties of his office; or

(*c*) is unfit to continue in office by reason of infirmity of mind or body; or

(*d*) is of unsound mind and stands so declared by a competent court; or

(*e*) is convicted for an offence which in the opinion of the Central Government involves moral turpitude; or

(*f*) has acquired such financial or other interest as is likely to affect prejudicially the functions of his office; or

(*g*) has so abused his position as to render his continuance in office prejudicial to the public interest.

(*2*) Notwithstanding anything contained in sub-section (*1*), neither the Chief Commissioner or Commissioner, nor the Chairperson or Member shall be removed from office on the grounds specified in clause (*f*) or clause (*g*) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry held by it in accordance with such procedure as it may be specified in this behalf, has reported that the concerned Chief Commissioner, Commissioner, Chairperson or Member ought, on such grounds, to be removed.

Secretary, Officers and Other Employees of Commission or Appellate Board.

26. (*1*) The Central Government shall appoint a Secretary to the Commission and a Secretary (by whatever name called) to the Appellate Board to exercise and perform, under the control of the Commission or, as the case may be, Appellate Board, such powers and duties as may be prescribed or as may be specified by the Commission or Appellate Board.

(*2*) The Secretary to the Commission or the Appellate Board, as the case may be, shall have the powers of general superintendence, direction and control in respect of all administrative matters of the Commission or Appellate Board:

Provided that the Secretary to the Commission or the Appellate Board may delegate such of his powers, as he may think fit, to any other officer of the Commission or the Appellate Board.

(*3*) The salaries and allowances payable to, and the conditions of service of, the Secretary and other officers and employees of the Commission and the Appellate Board shall be such as may be prescribed.

Vacancies, etc. not to invalidate proceedings of the Commission and the Appellate Board.

27. No act or proceeding of the Commission, or, as the case may be, the Appellate Board, shall be questioned on the ground merely of the existence of any vacancy or defect in the appointment of the Chief Commissioner, Commissioner, Chairperson or Member, or any defect in the appointment of a person acting as the Chief Commissioner, Commissioner or Member.

Chief Commissioner, Commissioners, Chaiperson and Members to be Public Servants.

28. The Chief Commissioner, Commissioners, Chairperson, Members and other permanent staff of the Commission and the Appellate Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. 45 of 1860

Proceedings before Commission or Appellate Board to be Judicial Proceedings.

29. The Commission and the Appellate Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 2 of 1974 and every proceeding before the Commission or the Appellate Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, 1860. 45 of 1860

CHAPTER V

MASS INFLUX SITUATIONS

Powers of the Central Government with respect to mass influx situations.

30. (*1*) The Central Government may, by notification in the Official Gazette, declare such group or category of persons in a mass influx to be refugees as defined under clause (o) of section 2.

(*2*) The Persons who have crossed an international border as part of a mass influx but are not declared to be refugees by a notification of the Central Government under sub-section (*1*) shall be allowed to make an application for asylum under section 10 of this Act.

Registration of mass influx refugees.

31. (*1*) The Central Government may cause all mass influx refugees notified under section 30 to register their names in such form and manner as may be prescribed.

(*2*) A refugee who has registered his name in accordance with sub-section (*1*) shall be issued an identity card in such form and manner as may be prescribed, which shall entitle him to all of the rights set out in section 36.

Special provisions with regard to movement, etc.

32. (*1*) The Central Government may, by order, impose reasonable restrictions on the movement or location of mass influx refugees:

Provided that nothing in this sub-section shall impair the right of a refugee to seek and enter employment outside the designated area in such manner as may be prescribed.

(*2*) The Central Government may, by order in writing, cause any refugee found violating the restrictions imposed under sub-section (*1*) to be detained.

(*3*) Nothing in this section shall apply to any refugee who has been granted asylum in India following an application for asylum made under section 10.

Modification of a mass influx situation.

33. (*1*) The Central Government may, by notification in the Official Gazette, extend, alter, substitute or withdraw a notification concerning mass influx refugees made under section 30:

Provided that such extension, alteration, substitution or withdrawal shall apply only to asylum-seekers arriving after the date of notification.

(*2*) Any action revoking or altering the grant of refugee status to mass influx refugees shall be reviewed by the Commission.

CHAPTER VI

PROVISIONS RELATED TO VOLUNTARY REPATRIATION

Provisions for voluntary repatriation.

34. (*1*) Subject to the provisions of this Act, the Central Government may repatriate refugees to their country of origin.

(*2*) The Central Government shall carry out any voluntary repatriation activities in cooperation with international organisations, public institutions and agencies, and civil society organisations.

(*3*) A refugee who wishes to be voluntarily repatriated to his country of origin shall make a written application to the Commission in such form and manner as may be prescribed.

(*4*) No refugee may be repatriated unless the Commission is satisfied, after conducting an inquiry, that the written application for repatriation is voluntary and genuine, and that repatriation to the country of origin is possible in a safe and dignified manner.

(*5*) Any order of repatriation by the Central Government shall be placed before the Commission for its information, and for such further orders or directions as may be necessary.

(*6*) No order of repatriation of the Central Government shall be implemented unless it has received the approval of the Commission.

CHAPTER VII

RIGHTS AND DUTIES OF REFUGEES AND ASYLUM-SEEKERS

Protection and general rights of refugees.

35. (*1*) A refugee whose grant of asylum was made in pursuance of an application for asylum under section 10 shall be entitlted to—

(*a*) a formal written recognition of asylum, in such form and manner as may be prescribed under section 11 and section 12 that constitutes an enforceable basis for his continued residence in India;

(*b*) an identify document of the nature described in section 37;

(*c*) a travel document of the nature described in section 37;

(*d*) apply for a residence permit and other government documents for which he may be eligible on the strength of the documents specified in clause (*a*) of this sub-section;

(*e*) freedom from discrimination on the basis of race, religion, sex, nationality, ethnicity, place of birth or any of them;

(*f*) fair and just treatment in accordance with due process and procedure established by law;

(*g*) choose his place of residence and move freely within the territory of India, subject to any reasonable restrictions that may be imposed in the public interest;

(*h*) seek and enter employment in the private sector;

(*i*) the same healthcare rights and services that apply to Indian citizens;

(*j*) free and compulsory primary education; and

(*k*) the right to move relevant courts of law by appropriate proceedings for the enforcement of rights conferred by Part III of the Constitution.

(*2*) Every refugee and asylum-seeker shall be bound by the laws of India.

Rights of asylum-seekers and mass influx refugees.

36. (*1*) An asylum-seeker whose application for asylum under section 10 is pending, or a mas influx refugee notified under section 30 of this Act, shall be entitled to—

(*a*) a temporary identity document that constitutes an enforceable basis for his continued presence in India;

(*b*) seek and enter employment in accordance with government policy;

(*c*) the same healthcare rights and services that apply to Indian citizens;

(*d*) free and compulsory primary education;

(*e*) freedom from discrimination on the basis of race, religion, sex, nationality, ethnicity, place of birth or any of them; and

(*f*) the right to move relevant courts of law by appropriate proceedings for the enforcement of rights conferred by this Act and Part III of the Constitution.

(*2*) The rights and benefits extended to refugees and asylum-seekers shall not be construed to provide more rights and benefits than those accorded to citizens.

Identity and travel documents.

37. (*1*) All refugees and asylum-seekers shall be entitled to a legally enforceable document of identity issued by the Central Government which shall mention—

(*a*) the identity number of the holder, issued in the prescribed manner;

(*b*) the holder's legal status in India;

(*c*) the holder's surname, forename(s), sex, date of birth, and place or country where he was born;

(*d*) the country of which the holders is a citizen, if any; and

(*e*) a recent photograph of the holder.

(*2*) The document of identity shall be valid for a period of five years and may be renewed for period as may be prescribed.

(*3*) Such document of identity shall bear the seal of the Government authority that issues it.

(*4*) A refugee whose grant of asylum was made in pursuance of an application for asylum under section 10 shall be entitled to a legally enforceable document authorising his travel from and to India, subject to such restrictions as may be specified in this regard by the Central Government.

CHAPTER VIII

TECHNICAL ASSISTANCE

Technical Assistance.

38. The Central Government, the Commission or the Appellate Board, as the case may be, may seek the good offices of the United Nations or other relevant agencies for its expertise, technical assistance and guidance in relation to any matter arising under this Act.

CHAPTER IX

FINANCE, AUDIT AND ANNUAL REPORT

Grants by the Central Government.

39. (*1*) The Central Government, shall after due appropriation made by Parliament, by law in this behalf, pay to the Commission and the Appellate Board, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(*2*) The Commission and the Appellate Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (*1*).

Accounts and Audit.

40. (*1*) The Commission and the Appellate Board shall maintain proper accounts and othe relevant records, and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The Accounts of the Commission and the Appellate Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission and the Appellate Board to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Commission and the Appellate Board under this Act, shall have the same rights, privileges, and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Central Government accounts:

Provided further that the Comptroller and Auditor-General shall, in particular, have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Commission and the Appellate Board.

(*4*) The accounts of the Commission and the Appellate Board, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Commission and the Appellate Board.

(*5*) The Central Government shall cause the audit report forwarded under sub-section (*4*) to be laid before each House of Parliament as soon as may be after it is received.

Annual Report.

41. (*1*) The Commission and the Appellate Board shall prepare, once in every year, in such form and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year, copies of which shall be forwarded to the Central Government.

(*2*) A copy of the report received under sub-section (*1*) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER X

MISCELLANEOUS

Power to make Rules.

42. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) the procedure for removing a refugee or asylum-seeker from India under section 9;

(*b*) the detention of refugees or asylum-seekers;

(*c*) the procedure regarding an application for asylum, subject to the provisions contained under this Act;

(*d*) the salaries and allowances and other terms and conditions of service of the Chief Commissioner, Commissioners, Chairperson, and Members under section 24;

(*e*) the salaries and allowances and other terms and conditions of service of the Secretary and other staff for the Commission and Appellate Board under section 26;

(*f*) the reception and registration of mass influx refugees, and all other matters connected to the management of such refugees;

(*g*) the procedure for voluntary repatriation of refugees;

(*h*) the enforcement of the rights and duties of refugees and asylum seekers; and

(*i*) the effective implementation of this Act.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule of both the Houses agree that the rule should not be made, the rules 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.

Empowerment of Concerned Authorities.

43. The Central Government may by order empower the concerned authorities to assist and cooperate with the Commission and the Appellate Board for the enforcement of this Act.

Bar of Jurisdiction.

44. On and from the appointed day, no court or authority shall have, or be entitled to exercise, any jurisdiction, powers or authority in relation to matters specified in this Act, except the Supreme Court and a High Court exercising powers under articles 32, 226 and 227 of the Constitution.

Protection of action taken in good faith.

45. No suit or other legal proceeding shall lie against the Central Government, State Government, Commission, Appellate Board or any person acting under the direction either of the Central Government, State Government, Commission or Appellate Board in respect of anything which is, in good faith, done or intended to be done, in pursuance of this Act or of any rules or any order made thereunder.

46. The provisions of this Act shall have effect not withstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

STATEMENT OF OBJECTS AND REASONS

The recent refugee crisis in Europe has forced the world to stop and notice the precarious and inhumane conditions of Syrian refugees. This is a moment for all countries, including India, to re-examine their current response and preparedness to deal with refugees and situations of mass movements.

India hosts more than two lakhs refugees and is at the centre of refugee movements in the South Asian region. India has been a home to refugees from Tibet, Bangladesh, Sri Lanka, Afghanistan, and Myanmar, as well as to Nepalese fleeing civil war. It had also hosted the largest ever refugee crisis in human history when ten million fled persecution and genocide by the Pakistan Army in East Bengal in 1971. Despite this, India is neither a signatory to the 1951 UN Convention relating to the status of Refugees nor does it have a domestic asylum framework. However, India's practice has been to adopt a humanitarian approach towards refugees under the terms of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Our country implements a refugee protection framework which is based on a combined series of executive policies.

The judiciary has also accorded constitutional protection to refugees in its judgment in *National Human Rights Commission vs State of Arunachal Pradesh & Anr.* in 1996. The Supreme Court held that the fundamental right to equality under article 14 and the right to life and personal liberty under article 21 extends to all foreigners, including refugees. Apart from protection under the Constitution, refugees also receive support from a body of complementary law and practice such as the Right to Education Act, 2009 (RTE) and health services.

The Government of India relies on the Foreigners Act, 1946 and the Registration of Foreigners Act, 1939 to govern the entry, stay, and exit of all refugees. However, these legislation treat refugees as foreigners and fail to take into account their special status on humanitarian grounds or under international law. They are not equipped to support the country's need to deal with asylum seekers and migration movements.

As a member of the Executive Committee of the United Nations High Commissioner for Refugee (UNHCR), India is committed to protect refugees and has also offered its assistance to refugees from Syria, Myanmar, and Afghanistan. Therefore, it has become increasingly important to enact a structured framework to establish a clear and consistent regime. The current global crisis clearly demonstrates that the lack of a legal framework does not so much deter refugees in the face of a crisis as leaves the host country ill-equipped to deal with the inflow. Even the National Human Rights Commission (NHRC) has under scored the need for enacting such a domestic legislation. It is important to mention that in 1997 India had drafted a model law on refugees under the guidance of Justice P.N. Bhagwati, the former Chief Justice of India, but it was not enacted. In addition it is a glaring anomaly that India is the only significant member of the UN without a refugee law, that too at a time when it is seeking recognition as a responsible international power through a permanent seat at the UN.

The proposed Bill seeks to incorporate the current policy on refugees, the principles of the Constitution, and India's international obligations. The provisions of the Bill provide clarity and uniformity on the recognition of asylum seekers as refugees and their rights in the country. It also seeks to end a system of ambiguity and arbitrariness which, too often, results in injustice to a highly vulnerable populace. The Bill proposes to enable the Government to manage refugees with more accountability and order, while balancing humanitarian concerns and security interests of the State.

India has been, and continues to be, a generous host to several persecuted communities, doing more than many countries who are signatories to the UN Refugee Convention, 1951. The Bill, if enacted, will put India at the forefront of asylum management in the world. It will finally recognise India's long-standing and continuing commitment to humanitarian and democratic values while dealing with refugees.

Hence this Bill.

NEW DELHI;
November 13, 2015.

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 16 of the Bill provides for the establishment of the National Commission for Asylum. Sub-clause 3 provides that the head office of the Commissions shall be at New Delhi and enables the Commission to establish offices at other places in India.

Clause 17 provides appointment of a Chief Commissioner and six other Commissioners in the Commission. Clause 19 provides for appointment of administrative, technical and other staff to the Commission. Clause 20 provides for the establishment of the National Appellate Board for Asylum.

Clause 21 provides that the Appellate Board shall consist of a Chairperson, and not less than four other Members to be appointed by the Central Government. Clause 23 provides for appointment of administrative, technical and other staff to the Appellate Board.

Clause 24 provides that the salaries and allowances payable to the Chief Commissioner, Commissioners, Chairperson, and Members shall be prescribed by the Central Government.

Clause 26 provides for the appointment of a Secretary to the Commission and a Secretary to the Appellate Board to exercise the powers of general superintendence, direction and control in respect of all administrative matters of the Commission or Appellate Board. It also provides for salaries and allowances payable to the secretary and other officers and employees of the Commission and the Appellate Board shall be such as may be prescribed by the Central Government.

Clause 35 provides that same healthcare rights which apply to Indian citizens and service and free and compulsory primary education shall be provided to the refugee who has been granted asylum. Clause 36 provides that same healthcare rights and services as applicable to Indian citizens and free and compulsory primary education shall be provided to asylum-seekers and mass influx refugees.

Clause 39 provides that the Central Government shall provides grants of sums of money to the Commission and Appellate Board for carrying out the purposes of this Act.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would be involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 42 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of normal character.

BILL NO. 338 OF 2015

A Bill to amend the Clinical Establishments (Registration and Regulation) Act, 2010.

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 Clinical Establishments (Registration and Regulation) Amendment Act, 2015.

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

Amendment of section 2.

23 of 2010.

2. In the Clinical Establishments (Registration and Regulation) Act, 2010 (hereinafter referred to as the principal Act), in section 2,—

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

"(*da*) "injured person" means any individual in need of medical examination and treatment as a result of an emergency medical condition;"; and

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

"(*p*) "transfer" means, with respect to stabilizing an individual, the movement, including discharge of an injured person from a clinical establishment at the direction and assistance of any person employed by, or affiliated or associated, directly or indirectly, with such clinical establishment, but does not include such a movement of an individual who—

(*a*) has been declared dead, or

(*b*) leaves such clinical establishment without the permission of management of the clinical establishment.".

Amendment of section 12.

3. In section 12 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The clinical establishment shall be required to provide within the staff and facilities available, without any delay or denial in treatment as a result of any delay in furnishing medical costs and expenses by any individual requiring treatment, such immediate medical examination and treatment as it considers necessary in order to improve the emergency medical condition of any such injured person who comes or is brought to such clinical establishment:

Provided that where a clinical establishment is unable to provide necessary medical treatment to an injured person due to non-availability of requisite staff or facility, such clinical establishment shall provide the best available treatment or undertake such measures within its capacity which minimizes the risks to the health of an injured person, in order to stabilize him, before any transfer is issued to the nearest clinical establishment where such appropriate facilities and staff is available.".

Insertion of new section 40A.

4. After section 40 of the principal Act, the following section shall be inserted, namely:—

Penalty for non-compliance of condition for registration by clinical establishments.

"40A. (*1*) Notwithstanding any action that may arise under section 32, if any clinical establishment does not comply with condition for registration prescribed under section 12, such clinical establishment shall be liable with a fine which may extending to five lakh rupees.

(*2*) For the purpose of adjudging under sub-section (*1*), the authority shall hold an inquiry in the prescribed manner after giving the person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary penalty.

(*3*) While holding an inquiry, the authority shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provision specified in sub-section (*1*), it may by order impose the monetary penalty specified in that sub-section to be deposited within thirty days of the order in the account specified under sub-section (*8*) of section 42.

(*4*) While determining the quantum of monetary penalty, the authority shall take into account the category, size and type of the clinical establishment and local conditions of the area in which the establishment is situated.

(*5*) Any person aggrieved by the decision of the authority may prefer an appeal to the State Council within a period of three months from the date of the said decision.

(*6*) The manner of filing the appeal referred to in sub-section (*5*), shall be such as may be prescribed.".

Amendment of section 42.

5. In section 42 of the principal Act, in sub-section (*8*), for the words and figures "sections 41 and 42", the words, figures and letters "sections 40A, 41 and 42" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In India, the basic standard of care that is required of healthcare institutions for providing emergency treatment is alarmingly low.

Injured patients in need of immediate medical treatment are denied life-saving treatment at the most critical hour due to delay in payment of medical costs and expenses, and what makes matters worse is the fact that there is not even a standardized protocol for inter-hospital transfer of such patients.

The unregulated practice of transferring uninsured patients without first providing them immediate minimum care or basic treatment seriously risks the health and well-being of helpless citizens.

In view of the above, the Bill seeks to amend the Clinical Establishment (Registration and Regulation) Act, 2010 with a view to—

(i) define who an injured person is;

(ii) define what constitutes a transfer, while dealing with the stabilization of a patient;

(iii) raise the standard of care being provided by a clinical establishment, including the basic requirements for a transfer in any emergency medical condition; and

(iv) provide for punishment for non-compliance of the conditions for registration by clinical establishments.

Hence this Bill.

NEW DELHI;
November 13, 2015.

A.P. JITHENDER REDDY

BILL NO. 348 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 on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 77A.

2. After article 77 of the Constitution, the following article shall be inserted, namely:—

Duties of the Government of India during the period of dissolution of the House of People until the constitution of a new House of the People.

"77 A. (*1*) The Government of India shall operate with limited authority during the period commencing from the date of dissolution of the House of the People till the constitution of a new House of the People.

(*2*) Without prejudice to the generality of the foregoing provision, the Government of India, during the period referred to in clause (*1*), shall not, except for the purpose of carrying out administration, possess the authority to—

(*i*) initiate or announce any new policy;

(*ii*) initiate or announce any new scheme or project;

(*iii*) provide grants, allowances, loans and salary increases out of discretionary funds; and

(*iv*) hold official functions.".

3. After article 166 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 166A.

"166A. (*1*) The Government of a State shall operate with limited authority during the period commencing from the date of dissolution of the State Legislative Assembly till the constitution of a new Legislative Assembly. Duties of the Government of a State during the period of dissolution of the Legislative Assembly until the constitution of a new Legislative Assembly.

(*2*) Without prejudice to the generality of the foregoing provision, the Government of a State, during the period referred to in clause (*1*), shall not, except for the purpose of carrying out administration, possess the authority to—

(*i*) initiate or announce any new policy;

(*ii*) initiate or announce any new scheme or project;

(*iii*) provide grants, allowances, loans and salary increases out of discretionary funds; and

(*iv*) hold official functions.".

4. After article 327 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 327A.

"327A. (*1*) Notwithstanding anything in this Constitution, where the House of the People or Legislative Assembly of a State, as the case may be, is dissolved at any time earlier than six months prior to the date of expiration of its term, the subsequent newly constituted House of the People or the Legislative Assembly of a State shall operate only for the period remaining in the erstwhile House of the People or the Legislative Assembly of a State, as the case may be, that had been dissolved and the expiration of this remaining period shall operate as the dissolution of the newly constituted House of the People or Legislative Assembly of a State. Term of the Government in certain circumstances.

(*2*) The provisions of clause (*1*) shall not apply where the House of the People or the Legislative Assembly of a State is dissovled as a result of losing the confidence of the majority of members of the House of the People or Legislative Assembly of a State, as the case may be.".

STATEMENT OF OBJECTS AND REASONS

An incumbent Government has the power to dissolve the Lok Sabha or the State Legislative Assembly even before the expiration of the normal five years period. With a view to maximige Support in an election, the incumbent Government generally recommend the dissolution of the Lok Sabha or a State Legislative Assembly at such a time that is most suitable for getting re-elected the party in power.

It has been seen in the past that incumbent Governments have prematurely dissolved the House, like for instance, the Fourth Lok Sabha which was dissolved one year and seventy-nine days before its normal term expired. Such premature dissolution has also occurred with Legislative Assemblies of various States as well.

Without setting stricter conditions, such an unregulated procedure for dissolution erodes the integrity of the democratic process as it lacks adequate safeguards against the manipulation of executive power. In a democracy, a direct consequence of this power is the tactical advantage of the party in Government over opposition parties in an election. Another indirect consequence is the backlog of Government business which is an incalculable loss to the nation. The United Kingdom had passed the Fixed-term Parliaments Act, 2011, where Parliament at the outset will have a fixed five-year term, and it created conditions for dissolution if it is carried out before the expiration of normal five-year term.

There is a need to clearly define the role of the Government with respect to its authority to recommend dissolution of Lok Sabha or a State Legislative Assembly, and simultaneously create procedural safeguards against the misuse of executive power by the Government during such period of dissolution of the House, until a new Lok Sabha or State Legislative Assembly is constituted.

In view of the above, the Bill seeks to amend the Constitution with a view to—

(1) regulate mid-term dissolutions; and

(2) limit the authority of the Government during the period of dissolution of the House of the People or a State Legislative Assembly.

Hence this Bill.

NEW DELHI; A. P. JITHENDER REDDY

November 13, 2015.

BILL NO. 328 OF 2015

A Bill to provide for welfare of transgender persons and for matters connected therewith.

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Transgender Persons (Welfare) 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.

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*) "Special Court"means a court established under section 6;

(*c*) "Fund"means Transgender Persons Welfare Fund constituted under section 3;

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

(*e*) "transgender person"means a person, whose gender does not match with the gender assigned to that person at birth notwithstanding his or her genotypical or phenotypical sex.

Constitution of the Transgender Persons Welfare Fund.

3. (*1*) The Central Government shall constitute a Fund to be known as the Transgender Persons Welfare Fund for providing social security to transgender persons.

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

(*3*) The Fund shall be administered by a Board consisting of—

(*a*)	one eminent person having special knowledge or practical experience in the field of transgender rights and rehabilitation	—	Chairperson;
(*b*)	one representative of each of the State Government	—	Member; and
(*c*)	two transgender persons to be appointed by the Central Government in such manner as may be prescribed.	—	Members,

(*4*) 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.

(*5*) The Central Government shall provide such number of officers and staff to the Board as may be required for its efficient functioning.

(*6*) The salary and allowances payable to and other terms and conditions of service of the officers and staff of the Board shall be such as may be prescribed.

Functions of the Board.

4. The Board shall—

(*a*) study the problems being faced by the transgender persons and suggest remedial measures to the appropriate Government; and

(*b*) promote awareness about the rights of the transgender persons and safeguards available for their protection.

Rights of transgender persons.

5. Every transgender person shall be entitled to—

(*a*) freely express his gender identity and be considered as a third gender;

(*b*) access to education and vocational training;

(*c*) basic rights like right to personal liberty, dignity, freedom of expression, right against violence and right to employment and livelihood opportunities;

(*d*) medical facilities including health services and health insurance; and

(*e*) right to marry and live in home with his immediate family members.

Special Courts.

6. (*1*) For the purpose of providing speedy trial of cases arising out of infringement of basic rights of transgender persons, every State Government shall, with the concurrence of the Chief Justice of the High Court concerned, by notification in the Official Gazette, establish an exclusive special court for one or more districts within the State:

Provided that in districts where the number of cases tried by a special court falls below such number as may be prescribed, the State Government may, with the concurrence of the Chief Justice of the High Court concerned, by notification in the Official Gazette, designate the Court of session to be a special court to try the offences under this Act for such districts:

Provided further that the Court so established or designated, as the case may be, may, *suo moto* take cognizance of offences under this Act.

(*2*) It shall be the duty of the State Government to establish adequate number of Special Courts to ensure that the cases under this Act, as far as possible, are disposed of within a period of two months from the date of their filing in that Court.

Central Government to provident funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purpose of this Act.

Power to make rules.

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

(*2*) Every rule 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 more successive sessions, and if before the expiry of the session immediately following the sessions or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rules 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

All human beings are born free and equal in dignity and ought to be entitled to enjoyment of human rights without discrimination on the basis of sexual orientation and gender identity. However, such is not the case with the transgender persons. The discrimination based on their class and gender makes the transgender community one of the most disempowered and deprived section of society. Transgender people face variety of problems. They do not command same respect, dignity and equality as is being enjoyed by other persons in society. The society treats them differently.

It is, therefore, necessary to recognize the deprivation being suffered by transgender persons and initiate suitable legislative measures for their overall development.

Hence this Bill.

NEW DELHI;
July 21, 2015.

KAKOLI GHOSH DASTIDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Transgender Persons Welfare Fund. It further provide for constitution of a Board to administer the welfare fund. Clause 4 provides that the Board shall promote awareness about the rights of the trangender persons and safeguards available for their protection. Clause 5 provides for vocational training and access to medical facilities including health insurance to the transgender persons. Clause 6 provides for establishment of special Courts to deal with the cases arising out of infringement of basic rights of transgender persons. Clause 7 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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. 237 OF 2015

A Bill to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

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 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2015.

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

Amendment of section 2.

2. In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in clause (o),— 2 of 2007

(*i*) the words "for at least three generations" shall be omitted; and

(*ii*) the Explanation at the end shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was enacted to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The definition of "other traditional forest dwellers" includes only a member or community who has for at least three generations prior to the 13th day of December 2005 primarily resided in forest or forest land to avail certain rights under the Act. However, it is not possible and practical for all the traditional forest dwellers to give proof of ''three generations'' as prescribed in definition. Therefore, the persons who are actually forest dwellers and not having any proof or record of their residence in such forest areas for the last three generations are suffering on this account. These forest dwellers are cultivating land for the last many years but are not eligible to claim ownership of such land or get benefits of ongoing schemes of Governments meant for ''other traditional forest dwellers'' for the reason that they do not have any proof or record of residence in such areas. These traditional forest dwellers are living in a pitiable condition and require immediate attention of the Government to ameliorate their condition.

The Bill seeks to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 with a view to do away with the condition of "three generations" so that all traditional forest dwellers can avail the benefits of ongoing schemes meant for the Scheduled Tribes and other traditional forest dwellers.

Hence this Bill.

NEW DELHI;
August 3, 2015.

RAJU SHETTI

BILL NO. 238 OF 2015

A Bill to provide for the maintenance and welfare measures to be undertaken by the State for the destitute, neglected, old, infirm or physically challenged widow, divorcee or unmarried women through establishment of an Authority 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 Destitute and Neglected Women (Welfare) 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.

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*) "Authority" means the Destitute and Neglected Women Welfare Authority established under section 3;

(*c*) "destitute woman" means a widow, divorcee or unmarried woman who has no relative or kinsmen to support her or who has no independent and adequate source of livelihood including the livelihood to her minor children and includes a woman stricken with infirmity owing to old age, physical deformity, ailment, mental imbalance and who lives uncared for;

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

(*e*) "widow" means a legally wedded female whose husband has died.

Establishment of Destitute and Neglected Women Welfare Authority.

3. (*1*) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an authority to be known as the Destitute and Neglected Women Welfare Authority to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

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

(*3*) The headquarters of the Authority shall be at Chandigarh in the State of Punjab and the Authority shall establish its branches in all the States and Union territories at such places as may be prescribed.

(*4*) The Authority shall have a Secretariat with such number of officers and employees, with such terms and conditions of service as may be prescribed, for the efficient functioning of the Authority.

(*5*) The Authority shall consist of—

(*a*) the Union Minister of Women and Child Development who shall be Chairperson, *ex-officio*;

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

(*c*) five women members of Parliament of whom three shall be from the Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding Officer of each House;

(*d*) three members representing the Union Ministries of Human Resource Development and Social Justice and Empowerment to be appointed by the Central Government;

(*e*) not more than five members to be appointed by the Central Government in consultation with the Governments of States, by rotation in alphabetical order, to represent the Governments of the States; and

(*f*) four members to be appointed by Central Government from amongst the Non-Governmental Organizations working for destitute or neglected women.

(*6*) The salary and allowances payable to and other terms and conditions of the service of Deputy Chairperson and members of the Authority and officers and employees of the Secretariat of the Authority shall be such, as may be prescribed.

Functions of the Authority.

4. (*1*) It shall be the duty of the Authority to promote by such measures, as it thinks fit, for welfare of destitute or neglected women or widows.

(*2*) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(*a*) maintain district-wise register of destitute or neglected women or widows who are in need of assistance from the Authority with such details and in such manner as may be prescribed;

(*b*) work out plans and formulate schemes for the welfare of destitute or neglected women or widows covered under this Act;

(*c*) give wide publicity through the electronic and print media about the welfare measures being undertaken by the Authority; and

(*d*) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

Facilities to be provided by appropriate Government.

5. The appropriate Government shall, on the recommendation of the Authority, provide to the women covered under this Act, the following facilities, namely:—

(*a*) monthly allowance of two thousand and five hundred rupees, if the woman is having any dependent children and rupees one thousand and five hundred in case she has no dependent child, as subsistence allowance;

(*b*) free medical assistance and free legal aid;

(*c*) free education including technical education to dependent children;

(*d*) free residential accommodation wherever necessary;

(*e*) gainful employment after imparting vocational education; and

(*f*) such other facilities, as may be necessary, for her rehabilitation, proper development and for maintaining a respectable life in the society:

Provided that if any woman covered under this Act either gets gainful employment or remarries, all the facilities provided to her and to her dependent in accordance with the provisions of this Act, shall be withdrawn from the date of gainful employment or remarriage, as the case may be.

Central Government to provide Funds.

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

Act to have overriding effect.

7. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to women covered under this Act.

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 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 our Country, a large number of women particularly those belonging to lower and middle income groups of the society become destitute after the death of their husbands. Divorced women or unmarried women too are either neglected by their families or have no means to support them. In many cases, the widows are thrown out of the households. Many of them work as housemaids for their survival and to support their children. But even this is not possible for the infirm, old, physically or mentally challenged women and so they lead a miserable life and very often subsist on alms, which they get from begging. Sometimes they are forced into flesh trade and become sex workers to avoid starvation, which makes their lives disgraceful. The position of destitute women is more dreadful in rural areas, as being illiterate, they are often subjected to exploitation. It is expedient to stop the exploitation of the destitute, neglected women or widows in a welfare State like India and provide financial assistance and other essential facilities to such women so that they live a dignified life in the society. For this reason, a Destitute and Neglected Women Welfare Authority should be set up to ensure that the conditions of destitute, neglected women or widows should not become so miserable as may enable the unscrupulous elements of the society to exploit the situation.

Hence this Bill.

NEW DELHI;
August 10, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Destitute and Neglected Women Welfare Authority. Clause 4 provides for giving wide publicity through electronic and print media about the welfare measures undertaken by the Authority. Clause 5 provides for certain facilities to the destitute and neglected women. Clause 6 provides that Central Government shall provide requisite funds to the Authority. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore would involved as recurring expenditure per annum.

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

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 normal character.

BILL NO. 249 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.

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

Insertion of new article 300B.

2. After article 300A of the Constitution, the following article shall be inserted, namely:—

Right to acquire, hold and dispose of property in any part of the territory of India.

"300B. (*1*) Notwithstanding anything in article 300A, the Parliament or the legislature of a State shall not make any law which deprives any citizen to acquire, hold and dispose of property in any part of the territory of India.

(*2*) Any law in force in the territory of India immediately before the commencement of the Constitution (Amendment) Act, 2015, in so far it is inconsistent with the provisions of clause (*1*), shall, to the extent of such inconsistency, be void.".

STATEMENT OF OBJECTS AND REASONS

Food, clothing and housing are the basic needs of human life. In our country, it is the duty of the Government to provide basic facilities to its citizens. The Constitution provides certain fundamental rights to all the citizens both individually as well as collectively.

However, even today, there are several States in our country where the citizens belonging to another State don't have the right to purchase land or house. Every Indian citizen should be conferred upon the right to purchase land or house anywhere in any part of the territory of the country. Nonetheless, such arrangements have not yet been put in place to enable citizens of our country so that they can purchase land and house in any part in any State according to his own will.

Therefore, in order to attain the socialist objectives enshrined in the Constitution, the provisions of right to purchase land or house anywhere in any State is being proposed for incorporation in the Constitution.

Hence this Bill.

NEW DELHI;
August 10, 2015.

GOPAL CHINAYYA SHETTY

BILL NO. 239 OF 2015

A Bill to provide for the establishment of a Bureau of Accountability to suggest measures for rooting out corruption; making the administration efficient and for matters connected therewith.

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 Bureau of Accountability Act, 2015.

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

Definition.

2. In this Act, unless the context otherwise requires the word 'Bureau' means the Bureau of accountability established under section 3.

Establishment of a Bureau of Accountability.

3. (*1*) The Central Government shall by notification in the Official Gazette, establish a Bureau to be known as the Bureau of Accountability for carrying out purposes of this Act.

(*2*) The Bureau shall consist of—

(*i*) two serving or retired Judges of the Supreme Court of India;

(*ii*) Cabinet Secretary to the Central Government;

(*iii*) Home Secretary to the Central Government;

(*iv*) Chief of the Intelligence Bureau of India;

(*v*) one retired General of the Army nominated by the Central Government; and

(*vi*) an eminent social and political worker to be nominated by the Central Government.

(*3*) The members of the Bureau shall have a tenure of five years from the date of their appointment or nomination, as the case may be.

(*4*) The Bureau shall have its office located in New Delhi.

(*5*) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Bureau.

(*6*) The salary and allowances payable to and other terms and conditions of service of members and officers and staff of the Bureau shall be such as may be prescribed.

Chairperson of the Bureau.

4. The members of the Bureau shall elect from amongst themselves a member to preside over the meetings of the Bureau and the member so elected shall be designated as Chairperson of the Bureau.

Functions of the Bureau.

5. The Bureau shall take steps and suggest measures to the Central Government to—

(*i*) accelerate the pace of working in the Ministries of Government of India;

(*ii*) make the administration corruption free; and

(*iii*) implement the policies framed by the Central Government within the prescribed time period.

Powers of Bureau.

6. The members of the Bureau shall carry out surprise inspections of various Ministries and Departments of the Central Government from time to time and suggest measures for carrying out administrative reforms in the functioning of the Ministries.

Procedure to be followed by the Bureau in its functioning.

7. (*1*) The Bureau shall formulate rule for its internal working and the rules so made shall be laid on the Table of each House of Parliament.

(*2*) If any amendment is made to the rules framed under sub-section (*1*), the amendment so made shall also be laid on the Table of each House of Parliament.

Power to make rules.

8. (*1*) The Central Government may, by notification in the Official Gazettee, 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

It has been emphasized time and again that unstable bureaucracy is a big hurdle in the development of the country. Some senior officers and their subordinates working in Government offices do not dispose off their official works within particular time period. Many important files remain pending for months in Government Offices which in turn leads to corruption. It is, therefore, necessary that a high powered permanent Bureau should be set up to accelerate the pace of work of bureaucracy and ensure timely completion of work. This will also help in rooting out corruption.

Hence this Bill.

NEW DELHI;
August 10, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Bureau of accountability. It further provides that the Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Bureau. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crore per annum.

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

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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. 345 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 Constitution (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.

2. For article 21A of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 21A.

"21A. (*1*) The State shall provide free and compulsory education to all children upto the age of sixteen years in such manner as the State may, by law, determine.

(*2*) For the purposes of implementing the provisions of sub-section (*1*), the State shall, till a child gets admission into a school, provide nutrient meal and/or nutrient supplements to every child in need to ensure proper development of the child's mental and physical capabilities. Right to Education, nutrient meal and/or nutrient supplements.

(*3*) It shall be the responsibility of every school to provide nutritious meal and/or nutrient supplements to every child in need after he is admitted in school so as to ensure continued development of the child's mental and physical capabilities.".

3. In article 51A of the Constitution, for clause (*k*), the following clause shall be substituted, namely:— Amendment of article 51A.

"(*k*) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward under his care.".

STATEMENT OF OBJECTS AND REASONS

Children are the torchbearers of any nation and it is the onerous responsibility of every country, including India, to protect them from every form of neglect, harm and exploitation. There is no doubt that early childhood (below six years) is the phase of maximum vulnerability and such deprivation will seriously impact a child's health, learning process and potential. The protection of our children becomes more important since India is going to become the world's youngest country with 64% of its population. So, to reap the benefit of this demographic dividend which potentially offer growing economy an unprecedented edge and could add 2% of growth to GDP, there is a need to do something concrete immediately with regard to children below six years of age.

As per the 2011 Census, India has 158.7 million children comprising about 16% of its population who are below the age of six years. In the period 2008—13, 43% of India's children under five years of age were underweight and 48% had stunted growth. According to World Bank Report published in 2013, the mortality rate of children under five years of age is 53 per 1000 alive births and according to UNICEF Report in 2013, more than 60 million children under five years of age are stunted. And, unfortunately, India has ranked at 112th position in the Child Development Index published in 2012.

There is no doubt that the Government of India has come out with the Nation Early Childhood Care and Education Policy in 2013 and host several schemes and programmes to take care of early childhood and need of education to children. But, if one reads the above statistics, it becomes clear that the policies, programmes and schemes made little impact on the objective since they only incorporate promises and do not create a justiciable right for early childhood care, protection and education as they are not legally binding on the States and the Centre.

Secondly, Article 45 of the Constitution says that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. Being a part of Directive Principles of State Policy, it does not create any binding commitment on part of the State.

Thirdly, the National Commission to Review the Working of the Constitution recommended for making child's right to basic care and assistance an enforceable right.

Fourthly, the world is debating over the Sustainable Development Goals which are going to become *Gita* for all countries also speaks about the guarantee of providing early childhood care, protection, development and education.

Fifthly, the Law Commission has also in its 229th Report submitted recently recommended for giving constitutional protection to the rights of children below six years of age.

In view of the above, it is proposed to give a statutory backing to the existing schemes and policies in order to create legal entitlements to children below the age of six years.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
November 13, 2015.

JAYADEV GALLA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for free and compulsory education to all children upto the age of sixteen years by the State. Clause 3 provides that a parent or guardian shall provide opportunities for education to his child or ward under his care. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees five hundred crores is likely to involve per annum.

A non-recurring expenditure of rupees two hundred crores 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. The rules will related to matters of details only.

The delegation of legislative power is of normal character.

BILL NO. 259 OF 2015

A Bill to establish and incorporate a University in the National Capital Territory of Delhi to provide for avenues of higher education and research facilities to the women in India 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 Savita Ambedkar National University for Women Act, 2015.

(*2*) 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, and in all Statutes made hereunder, unless the context otherwise requires,—

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(*c*) "Board of Studies" means the Board of Studies of the University;

(*d*) "Campus" means the unit established or constituted for making arrangements for instruction or research, or both;

(*e*) "Chancellor", "Vice-Chancellor", and "Pro-Vice-Chancellor" means, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(*f*) "College" means a college maintained by the University;

(*g*) "Court" means the Court of the University;

(*h*) "Dean" means Head of a Faculty of the University;

(*i*) "Department" means a Department of Studies and includes a Centre of Studies;

(*j*) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, webcasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;

(*k*) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(*l*) "Executive Council" means the Executive Council of the University;

(*m*) "Faculty" means a Faculty of the University;

(*n*) "Finance Committee" means Finance Committee of the University;

(*o*) "Hall" means a unit of residence or of corporate life for the students of the University;

(*p*) "Institution" means an academic institution, not being a college, maintained by, or admitted to the privileges of, the University;

(*q*) "Principal" means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the persons for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;

(*r*) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;

(*s*) "Statutes" and "Ordinances" means, respectively, the Statutes and the Ordinances of the University, for the time being in force;

(*t*) "teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instruction or conducting research in the University; and

(*u*) "University" means the Savita Ambedkar National University for Women as incorporated under this Act.

Establishment of University.

3. (*1*) There shall be established, in the National Capital Territory of Delhi a University by the name of "Savita Ambedkar National University for Women".

(*2*) The headquarters of the University shall be in the North-West district of Delhi.

(*3*) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such

office or membership, are hereby constituted a body corporate by the name of "Savita Ambedkar National University for Women".

(*4*) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Objects of University.

4. The objects of the University shall be,—

(*i*) to provide avenues of higher education and research facilities to the women of lndia and thus to provide the society with educated, competent and capable women to meet the knowledge needs of the country;

(*ii*) to create and disseminate knowledge by providing instructional and research facilities in such branches of learning as it may deem fit;

(*iii*) to make provisions for various courses offering educational programmes in humanities, natural and physical sciences, social sciences, medical sciences, engineering and technology and such other advanced disciplines of education including vocational education;

(*iv*) to take appropriate measures for promoting innovations in teaching-learning process, inter-disciplinary studies and research;

(*v*) to develop women imbued with the spirit of innovation and entrepreneurship with social and environmental orientation for the development of the country;

(*vi*) to strive for the improvement of the social, educational and economic conditions and welfare of women of the country through their intellectual, academic, cultural and overall personality development.

Powers of University.

5. (*1*) The University shall have the following powers, namely:—

(*i*) to provide for instructions in such branches of learning like natural and physical sciences, social sciences, humanities, engineering, technology and medicine as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge for furtherance of the objects of the University;

(*ii*) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause in the manner prescribed by the Statutes;

(*iii*) to formulate women centric development models, publish reports and monographs;

(*iv*) to organise conferences, seminars on issues relating to women and to provide inputs to policy matters in different spheres;

(*v*) to organise and to undertake extra-mural studies, training and extension services;

(*vi*) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(*vii*) to provide facilities through the distance education system to women as it may determine;

(*viii*) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(*ix*) to recognise an institution of higher learning for such purposes as the

University may determine and to withdraw such recognition in the manner prescribed by the Statutes;

(*x*) to appoint persons working in any other University or educational institution, including those located outside the country, as teachers of the University for a specified period;

(*xi*) to create administrative, ministerial and other posts and to make appointments thereto;

(*xii*) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University may determine;

(*xiii*) to collaborate with any other college or university, research institution, industry association, professional or any other organisation, in India or outside India to conceptualise, design and develop specific programmes as part of education and research, training programmes and exchange programmes for students, academic staff and others;

(*xiv*) to institute and award fellowships, scholarships, studentships, medals and prizes;

(*xv*) to establish and maintain Colleges, Institutions and Halls;

(*xvi*) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(*xvii*) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(*xviii*) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(*xix*) to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes;

(*xx*) to recognise, guide, supervise, and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(*xxi*) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(*xxii*) to demand and receive payment of fees and other charges;

(*xxiii*) to establish and maintain a health care centre for the benefit of the students and employees;

(*xxiv*) to make arrangements for promoting the health and general welfare of the employees;

(*xxv*) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(*xxvi*) to lay down conditions of service of all categories of employees, including their code of conduct;

(*xxvii*) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(*xxviii*) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, without the previous approval of the Central Government,

any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(*xxix*) to borrow, without the approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

(*xxx*) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

.(*2*) In exercising its powers referred to in sub-section (*1*), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching and research, and the University shall, among other measures which may be necessary for the said purpose and take, in particular, the following measures, namely:—

(*i*) admission of students and recruitment of Faculty shall be made on all-India basis;

(*ii*) admissions of students shall be made on merit, either through Entrance Tests conducted by the University or in combination with other Universities, or on the basis of marks obtained in the qualifying examinations;

(*iii*) mencourage inter-University mobility of Faculty;

(*iv*) introduce semester system, continuous evaluation and choice based credit system and enter into agreements with other Universities and academic institutions for credit transfer and joint degree programmes;

(*v*) introduce innovative courses and programmes of studies with provision for periodic review and restructuring;

(*vi*) ensure active participation of students in all academic activities of the University, including evaluation of teachers;

(*vii*) obtain mandatory accreditation from National Assessment and Accreditation Council or any other statutory accrediting agency; and

(*viii*) introduce e-governance with an effective management information system.

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University Open to all Classes, Castes and Creeds.

7. The University shall be open to women of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose any test whatsoever of religious belief or profession in order to entitle her to be admitted as a student in the University or to graduate thereat:

Provided that nothing in this section shall be deemed to prevent the University from appointing any person as a teacher of the University or to hold any other office therein or to enjoy or exercise any privilege thereof:

Provided further that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or promotion of educational interests of women physically challenged or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

Residence of Students.

8. Every student of the University other than a student, who pursues a course of study by distance education system, shall reside in a Hall or hostel or under such conditions as may be prescribed by the Ordinances.

Power to establish and Maintain Schools.

9. The University shall, subject to Statutes, have power to establish at least one school as a model school for the schools of the region.

Visitor.

10. (*1*) The President of India shall be the Visitor of the University.

(*2*) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including Colleges and Institutions maintained by it,

and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(*3*) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any College or Institution maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.

(*4*) The Visitor shall, in every matter referred to in sub-section (*3*), give notice of his intention to cause an inspection or inquiry to be made, to the University, if such inspection or inquiry is to be made in respect of the University or any College or Institution maintained by it.

(*5*) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (*3*).

(*6*) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(*7*) Upon receipt of such report of the inspection or inquiry, the Visitor may address the appointing authority through the Vice-Chancellor to take appropriate action in accordance with his advice, if any, regarding the action to be taken.

(*8*) The appointing authority shall take appropriate action within a period of two months and in case, it is not able to act as per the advice of the Visitor, it shall report to the Visitor, the reasons therefor along with supporting documents within a period of two months and if the Visitor is not satisfied with the reasons then the decision of the Visitor shall be final.

(*9*) The Visitor in respect of the matters not covered under sub-section (7) shall address the Executive Council through the Vice-Chancellor along with this advice regarding the action to be taken and the Vice-Chancellor shall take action accordingly.

(*10*) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(*11*) The Visitor shall have such other powers as may be prescribed by the Statutes.

Officers of University.

11. The following shall be the officers of the University:—

(*1*) the Chancellor;

(*2*) the Vice-Chancellor;

(*3*) the Pro-Vice-Chancellor;

(*4*) the Deans of Faculties;

(*5*) the Registrar;

(*6*) the Finance Officer;

(*7*) the Controller of Examinations;

(*8*) the Librarian; and

(*9*) such other officers as may be declared by the Statutes to be officers of the University.

Chancellor.

12. (*1*) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(*2*) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

Vice Chancellor.

13. (*1*) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(*2*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(*3*) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(*4*) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(*5*) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Pro-Vice-Chancellor.

14. The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Deans of Faculties.

15. Every Dean of Faculty shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Registrar.

16. (*1*) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(*2*) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Finance Officer.

17. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Controller of Examinations.

18. The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Librarian.

19. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Other Officers.

20. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

Authorities of University.

21. The following shall be the authorities of the University:—

(*1*) the Court;

(*2*) the Executive Council;

(*3*) the Academic Council;

(*4*) the Board of Studies and Academic Boards;

(*5*) the Finance Committee; and

(*6*) such other authorities as may be declared by the Statutes to be the authorities of the University.

Court.

22. (*1*) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes:

Provided that the Court shall have adequate number of members from amongst the women:

Provided further that such number of members as may be prescribed by the Statutes shall be elected from among the teachers, employees and students of the university.

(*2*) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(*a*) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(*b*) to consider and approve the annual report and the annual accounts of the University and the audit report on such accounts;

(*c*) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(*d*) to perform such other functions as may be prescribed by the Statutes.

Executive Council.

23. (*1*) The Executive Council shall be the principal executive body of the University.

(*2*) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Executive Council shall have adequate number of members from among the women:

Provided further that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

Academic Council.

24. (*1*) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(*2*) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Academic Council shall have adequate number of members from amongst the women:

Provided further that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court who are teachers of the University.

Board of Studies and the Academic Boards.

25. The constitution, powers and functions of the Board of Studies and the Academic Boards shall be prescribed by the Statutes:

Provided that the Boards of Studies and the Academic Boards shall have adequate number of members from amongst the women.

Finance Committee.

26. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes:

Provided that the Finance Committee shall have adequate number of members from amongst the women.

Other Authorities of Women.

27. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Power to make Statutes.

28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(*b*) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(*c*) the appointment, powers and duties of the officers of the University and their emoluments;

(*d*) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;

(*e*) the appointment of teachers, academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(*f*) the conditions of service of employees including insurance, provident fund, the manner of termination of service and disciplinary action;

(*g*) the principles governing the seniority of service of the employees of the University;

(*h*) the procedure for arbitration in cases of dispute between employees or students and the University;

(*i*) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(*j*) the conferment of autonomous status on a College or an Institution or a Department;

(*k*) the conferment of honorary degrees;

(*l*) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(*m*) the management of Colleges and Institutions established by the University;

(*n*) the delegation of powers vested in the authorities or officers of the University;

(*o*) the maintenance of discipline among the employees and students; and

(*p*) all other matters which by this Act are to be or may be provided for by the Statutes.

Statutes how to be made.

29. (*1*) The first Statutes are those set out in the Schedule.

(*2*) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (*1*):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(*3*) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(*4*) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(*5*) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (*1*), during the period of five years immediately after the commencement of this Act and such statutes shall be laid before both Houses of Parliament.

(*6*) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

Power to make Ordinances.

30. (*1*) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(*a*) the admission of students to the University and their enrolment as such;

(*b*) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(*c*) the medium of instruction and examination;

(*d*) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(*e*) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(*f*) the institution of fellowships, scholarships, studentships, medals and prizes;

(*g*) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(*h*) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(*i*) the conditions of residence of the students of the University;

(*j*) the setting up of a machinery for redressal of grievances of employees;

(*k*) the establishment and management of Faculties, Departments, Schools, Colleges, other Institutions, Centres of Studies, Boards of Studies, Special Centres, Specialised Laboratories and other Committees;

(*l*) the manner of co-operation and collaboration with other Universities, institutions and other non-profiteering agencies including learned bodies or associations;

(*m*) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(*n*) all other matters which by this Act or the Statutes, are to be or may be, provided for by the Ordinances.

(*2*) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

31. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual Report

32. (*1*) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Central Government and the Court shall consider the report in its annual meeting.

(*2*) The Court shall submit the annual report to the Visitor along with its comments, if any.

(*3*) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, and that Government which shall, as soon as may be after it is submitted, cause the same to be laid before both Houses of Parliament.

Annual Account.

33. (*1*) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor- General of India or by such persons as he may authorise on his behalf.

(*2*) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(*3*) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(*4*) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(*5*) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Official Gazette.

Fund of University.

34. (*1*) There shall be a University Fund which shall include—

(*a*) any contribution or grant made by the State Government;

(*b*) any contribution or grant made by the University Grants Commission or the Central Government;

(*c*) any contribution made by Government, semi-Government or autonomous bodies;

(*d*) any bequests, donations, endowments or other grants made by any private individual or institution;

(*e*) income received by the University from fees and charges; and

(*f*) amounts received from any other source.

(*2*) The amount of the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or may be invested

2 of 1934

40 of 1980

2 of 1882

in such securities authorised by the Indian Trusts Act, 1882, as may be decided by the Executive Council.

(*3*) The said Fund may be utilised for such purposes of the University and in such manner as may be determined.

Returns and information.

35. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

Condition of service of employees.

36. (*1*) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(*2*) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(*3*) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

(*4*) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

(*5*) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

37. (*1*) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(*2*) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (*2*), (*3*), (*4*) and (*5*) of section 36 shall, as far as may be, apply to a reference made under this sub-section.

Right to Appeal.

38. Every employee or student of the University or of a College or Institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Dispute as to constitution of authorities and bodies.

39. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Constitution of Committees.

40. Where any authority of the university is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

Filling of casual vacancies.

41. All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or

body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings of authorities or bodies not invalidated by vacancies.

42. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of action taken in good faith.

43. No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Mode of proof of University record.

1 of 1872.

44. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

Power to remove difficulties.

45. (*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:

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

(*2*) Every order made under sub-section (*1*) 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 order or both Houses agree that the order should not be made, the order 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 order.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

46. (*1*) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(*2*) Every Statute, Ordinance or Regulation 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 Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation 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 Statute, Ordinance or Regulation.

(*3*) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

Transitional provisions.

47. Notwithstanding anything contained in this Act and the Statutes,—

(*a*) the first Chancellor and first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;

(*b*) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(*c*) the first Court and the first Executive Council shall consist of not more than thirty-one members and eleven members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years;

(*d*) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Central Government and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be in the manner prescribed by the Statutes.

THE SCHEDULE
(*see* section 29)

THE STATUTES OF THE UNIVERSITY

Chancellor.

1. (*1*) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or public life of the country:

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(*2*) The Chancellor shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

Vice-Chancellor.

2. (*1*) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2) :

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for an extended fresh panel.

(*2*) The Committee referred to in clause (1) shall consist of five persons, out of whom three shall be nominated by the Executive Council and two by the Visitor and one of the nominees of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or a college or an institution maintained by the University or a member of any authority of the University or connected with an institution associated with the University or having any business interest in the University.

(*3*) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(*4*) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall be eligible for reappointment:

Provided that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him.

(*5*) Notwithstanding anything contained in clause (4), the Visitor may, at any time after the Vice-Chancellor has entered upon his office, by order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Visitor unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that the Visitor may, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry.

(*6*) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(*i*) the Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout the term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(*ii*) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Executive Council with the approval of the Visitor from time to time:

Provided that where an employee of the University, or a College or an Institution maintained by it, or of any other University or any Institution maintained by or affiliated to such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been member of any pension scheme, the University shall make the necessary contribution to such scheme;

(*iii*) the Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council;

(*iv*) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service;

(*v*) in addition to the leave referred to in sub-clause;

(*vi*) the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

(*7*) If the office of the Vice-Chancellor becomes vacant due to death, resignation or Otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the senior most Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor resumes the duties of his office, as the case may be.

Powers and duties of Vice-Chancellor.

3. (*1*) The Vice-Chancellor shall be *ex-officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the preside at the Convocations held for conferring degrees and at meetings of the Court.

(*2*) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(*3*) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed, and he shall have all the powers necessary to ensure such observance.

(*4*) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(*5*) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(*6*) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic Council and the Finance Committee.

(*7*) The Vice Chancellor shall have powers to hear appeal against any order passed by the Registrar and to confirm or to modify or to reverse the order.

Pro-Vice-Chancellor.

4. (*1*) Every Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(*2*) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier:

Provided that a Pro-Vice-Chancellor whose term of office has expired shall be eligible for reappointment:

Provided further that, in any case, a Pro-Vice-Chancellor shall retire on attaining the age of seventy years:

Provided also that a Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (7) of Statute 2, continue in office notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until a new Vice- Chancellor or the existing Vice-Chancellor, as the case may be, assumes office or his retirement whichever is earlier.

(*3*) The emoluments and other terms and conditions of service of a Pro-Vice Chancellor shall be such as may be prescribed by the Ordinances.

(*4*) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

Deans of faculties.

5. (*1*) Every Dean of a Faculty shall be appointed by the Vice-Chancellor from amongst the Professors in the Faculty by rotation in the order of seniority for a period of three years:

Provided that in case there is either one or no Professor in a Faculty, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Associate Professors in the Faculty by rotation in the order of seniority:

Provided further that a Dean on attaining the age of sixty-five years shall cease to hold office as such:

(*2*) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior most Professor or Associate Professor, as the case may be, in the Faculty.

(*3*) The Dean shall be the Head of the Faculty and shall be responsible for the conduct and maintenance of the standards of teaching and research in the Faculty and shall have such other functions as may be prescribed by the Ordinances.

(*4*) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the Faculty, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

Registrar

6. (*1*) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

(*2*) He shall be appointed for a term of five years and shall be eligible for reappointment.

(*3*) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

(*4*) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(*5*) (*a*) The Registrar shall have power to take disciplinary action against such of the employees in respect of whom he is the appointing authority, and to suspend them pending inquiry and, to impose upon them such penalty as he deem fit:

Provided that, till the provisions are made to provide for the procedure to be followed for imposition of penalty, the procedure as provided in the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is followed.

(*b*) An appeal shall lie to the Vice-Chancellor against any order of the Registrar.

(*6*) The Registrar shall be *ex-officio* Secretary of the Executive Council and the Academic Council, but shall not be deemed to be a member of any of these authorities and he shall be *ex-officio* Member-Secretary of the Court.

(*7*) It shall be the duty of the Registrar—

(*a*) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(*b*) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council and of any Committee appointed by those authorities;

(*c*) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic Council and of any Committee appointed by those authorities;

(*d*) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(*e*) to supply to the Visitor and the Chancellor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(*f*) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(*g*) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required from time to time, by the Executive Council or assigned to by the Vice-Chancellor.

Finance Officer.

7. (*1*) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(*2*) The Finance Officer shall be appointed for a term of five years and shall be eligible for reappointment.

(*3*) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that a Finance Officer shall retire on attaining the age of sixty-two years.

(*4*) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(*5*) The Finance Officer shall be *ex-officio* Secretary of the Finance Committee but shall not be deemed to be a member of such Committee.

(*6*) The Finance Officer shall—

(*a*) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(*b*) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances or the Regulations.

(*7*) Subject to the control of the Executive Council, the Finance Officer shall—

(*a*) hold and manage the property and investments of the University including trust and endowed property;

.(*b*) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(*c*) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(*d*) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(*e*) watch the progress of the collection of revenue and advise on the methods of collection employed;

(*f*) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking are conducted, of equipment and other consumable materials in all Offices, Centres, Specialised Laboratories, Colleges and Institutions maintained by the university;

(*g*) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(*h*) call for from any Office, Centre, Laboratory, College or Institution maintained by the University any information or returns that he may consider necessary for the performance of his duties.

(*8*) Any receipt given by the Finance Officer or the person or person duly authorized in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

Controller of Examinations.

8. (*1*) The Controller of Examinations shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(*2*) The Controller of Examinations shall be appointed for a term of five years and shall-be eligible for re-appointment.

(*3*) The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Controller of Examinations shall retire on attaining the age of sixty-two years:

(*4*) When the office of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(*5*) The Controller of Examinations shall arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances.

Librarian.

9. (*1*) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(*2*) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

Meetings of Court.

10. (*1*) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(*2*) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented.

(*3*) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(*4*) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor.

(*5*) Eleven members of the Court shall form a quorum for a meeting of the Court.

Quorum for meeting of Executive Council.

11. Five members of the Executive Council shall form a quorum for a meeting of the Executive Council.

Powers and faculties of Executive Council.

12. (*1*) The Executive Council shall have the power of management and administration of the- revenues and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(*2*) Subject to the provisions of this Act, the Statutes and the Ordinances, the Execuitve Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(*i*) to create teaching and other academic posts including Chairs to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Associate Professors, Assistant Professors and other academic staff:

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic Council;

(*ii*) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff including Chairs, as may be necessary, on the recommendation of the Selection Committee constituted for the purpose and to fill-up temporary vacancies therein;

(*iii*) to promote interdisciplinary research by making joint appointments of teaching staff in different Faculties, Departments and Centres;

(*iv*) to create administrative, ministerial and other posts and to define their duties and conditions of their service and to make appointments to the posts for which it is the appointing authority in the manner prescribed by the Ordinances;

(*v*) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor;

(*vi*) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(*vii*) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(*viii*) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(*ix*) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(*x*) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(*xi*) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(*xii*) to enter into, vary, carry out and cancel contracts on behalf of the University;

(*xiii*) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved by the order of the Vice-Chancellor;

(*xiv*) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(*xv*) to select a common seal for the University and provide for the custody and use of such seal;

(*xvi*) to institute fellowships, scholarships, studentships, medals and prizes; and to receive donations from the members of the general public and institutions, with due acknowledgment for establishing a Chair by contributing at least rupees one crore, in the name of the donor or in memory of any person desired; for creating foundations, not below rupees one crore in the name of the donor or in memory of any person desired; and for bearing the cost of any building or complex to the tune of not below rupees one crore in the name of the donor or in memory of any person desired;

(*xvii*) to provide for the appointment of Visiting Professors, Emeritus Professors, Joint Faculty, Adjunct Faculty, Consultants and Scholars and determine the terms and conditions of such appointments; and

(*xviii*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act or the Statutes.

Quorum for Meetings of Academic Council.

13. Seven members of the Academic Council shall form a quorum for a meeting of the Academic Council.

Powers and facilities of Academic Council.

14. Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(*a*) to consider matters of general academic interest either on its own initiative or on a reference by a Faculty or the Executive Council or the Court and to take 45 appropriate action thereon;

(*b*) to make arrangements through Ordinances for the instruction and examination of persons other than those enrolled in the University;

(*c*) to exercise general supervision over the academic policies of the University and to give directions regarding methods of admission and instruction, co-ordination of teaching among the colleges and the institutions, evaluation of research and improvement of academic standards;

(*d*) to bring about and promote inter-faculty co-ordination and to establish or appoint such committees or boards as may be deemed necessary for the purpose;

(*e*) to recognise diplomas or degrees and other Universities and Institutions and to determine their equivalence in relation to the diplomas and degrees of the University;

(*f*) to fix, subject to any conditions accepted by the Executive Council, the time mode and conditions of competition for fellowship, scholarships and other prizes, and to award the same;

(*g*) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary, their removal and fixation of their fees, emoluments and travelling and other expenses;

(*h*) to make arrangements for the conduct of examinations and to fix dates for holding them;

(*i*) to declare result of the various examinations, or to appoint committees or officers to do so and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, titles and marks of honour;

(*j*) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;

(*k*) to approve and publish syllabus or the prescribed courses of study and lists of prescribed or recommended text books;

(*l*) to prepare such forms and registers as are, from time to time, prescribed by Regulations; and

(*m*) to perform, in relation to academic matters, all such duties and acts as may be necessary, for the fulfilment of the objects of this Act.

Faculties and Departments.

15. (*1*) The University shall have such Faculties as may be specified in the Statutes.

(*2*) Every Faculty shall have a Faculty Board and the members of the first Faculty Board shall be nominated by the Executive Council for a period of three years.

(*3*) The composition, powers and functions of a Faculty Board shall be prescribed by the Ordinances.

(*4*) The conduct of the meetings of a Faculty Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(*5*) (*a*) Every Faculty shall consist of such Departments as may be assigned to it by the Statutes:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(*b*) Each Department shall consist of the following members, namely:—

(*i*) Teachers of the Department;

(*ii*) Persons conducting research in the Department;

(*iii*) Dean of the Faculty;

(*iv*) Honorary Professors, if any, attached to the Department; and

(*v*) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

Board of Studies.

16. (*1*) Each Department shall have a Board of Studies.

(*2*) The constitution of the Board of Studies and the term of office of its members shall be prescribed by the Ordinances.

(*3*) Subject to the overall control and supervision of the Academic Council, the functions of a Board of Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned Faculty Board in the manner prescribed by the Ordinances—

(*a*) courses of studies and appointment of examiners for courses, but excluding research degrees;

(*b*) appointment of supervisors for research; and

(*c*) measures for the improvement of the standard of teaching and research:

Provided that the above functions of a Board of Studies shall, during the period of three years immediately after the commencement of the Act, be performed by the Department.

Finance Committee.

17. (*1*) The Finance Committee shall consist of the following members, namely:—

(*i*) the Vice-Chancellor;

(*ii*) the Pro-Vice-Chancellor;

(*iii*) one person to be nominated by the Court;

(*iv*) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(*v*) three persons to be nominated by the Visitor.

(*2*) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(*3*) All the members of the Finance Committee, other than *ex-officio* members, shall hold office for a term of three years.

(*4*) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(*5*) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(*6*) All proposals relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(*7*) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(*8*) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

Selection Committees and appointments.

18. (*1*) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Librarian and Principals of Colleges and Institutions maintained by the University.

(*2*) The Selection Committee for appointment to the posts specified in Column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor	(*i*) The Dean of the Faculty. (*ii*) The Head of the Department, if he is a Professor. (*iii*) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.
Associate Professor or Assistant Professor	(*i*) The Head of the Department. (*ii*) One Professor nominated by the Vice-Chancellor. (*iii*) Two persons not in the service of the University, nominated by the Academic Council for their special knowledge of, or interest in, the subject with which the Associate Professor or Assistant Professor will be concerned.
Registrar or Finance Officer	(*i*) Two members of the Executive Council nominated by it. (*ii*) One person not in the service of the University nominated by the Executive Council.
Librarian	(*i*) Two persons not in the service of the University who have special knowledge of the subject of the Library Science or Library Administration nominated by the Executive Council. (*ii*) One person not in the service of the University nominated by the Executive Council.
Principal of College or Institution maintained by the University	Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the College or Institution.

Note 1.— Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Note 2.— The Professor to be nominated by the Vice-Chancellor shall be a Professor concerned with the speciality for which the selection is being made and the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(*3*) The Vice-Chancellor, or on his authorisation the Pro-Vice-Chancellor, or the Dean shall convene and preside over the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of Visitor's nominee and the experts nominated by the Executive Council:

Provided further that the proceedings of the Selection Committee shall not be valid unless,—

(*a*) where the number of Visitor's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(*b*) where the number of Visitor's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(*4*) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

(*5*) All the proceedings, right from occurrence of vacancy to selection of the applicants by the Selection Committee shall be placed before the Executive Council by way of Agenda Note circulated in advance along with the recommendations of the Selection Committee in sealed cover for informed decision making by the Executive Council:

Provided that, if any complaint has been received on the same, it shall also be included in the Agenda Note.

(*6*) On being satisfied with the selection process, the Executive Council may accept the recommendations of the Selection Committee and shall appoint the person so selected on such terms and conditions as it deems fit.

(*7*) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(*8*) Appointments to temporary posts shall be made in the manner indicated below:—

(*i*) If the temporary vacancy is for duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses;

(*ii*) lf the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the Faculty concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice- Chancellor;

(*iii*) No temporarily appointed teacher shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment.

Special Mode of appointment.

19. (*1*) Notwithstanding anything contained in Statute 18, the Executive Council may appoint a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit:

Provided that the Executive Council may also create supernumerary posts for a specified period for appointment of such persons:

Provided further that the number of supernumerary posts so created should not exceed five per cent, of the total posts in the University.

(*2*) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

Committees.

20. (*1*) An authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

(*2*) A Committee appointed under clause (*1*) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

Terms and Conditions of service and Code of Conduct of the teachers, etc.

21. (*1*) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(*2*) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(*3*) On appointment, every teacher and member of the academic staff of the University shall sign a contract, the form of which shall be prescribed by the Ordinances.

(*4*) A copy of every contract referred to in clause (*3*) shall be deposited with the Registrar.

Terms and Conditions of service and Code of Conduct of Other employees.

22. (*1*) All the employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations and until such Statutes, Ordinances and Regulations are made, the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall apply.

(*2*) The manner of appointment and emoluments of employees, other than the teachers and other academic staff; shall be such as may be prescribed by the Ordinances.

Seniority List.

23. (*1*) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and a person in higher grade will be considered senior to a person in the lower grade.

(*2*) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (*1*).

(*3*) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Disciplinary action against employees of the University

24. (*1*) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University and the authority competent to appoint (hereinafter referred to as the appointing authority) is of the view that continuance of such teacher, member of the academic staff, or other employee is not in the public interest or detrimental to the fair conduct of the regular departmental enquiry, he may, by order in writing, place such teacher, member of the academic staff or other employee, under suspension:

Provided that if the appointing authority of such teacher, member of the academic staff or other employee is the Executive Council, the Vice-Chancellor may, after recording the facts and circumstances warranting suspension of such teacher, member of the academic staff or other employee, suspend him and report the matter to the Executive Council within three months' failing which the order shall stand revoked:

Provided further that after considering the report of the Vice-Chancellor, the Executive Council may confirm or revoke the order.

(*2*) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(*3*) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(*4*) No teacher, member of the academic staff or other employee shall be removed under clause (*2*) or clause (*3*) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(*5*) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(*6*) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign,—

(*a*) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(*b*) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

Honorary degrees.

25. (*1*) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(*2*) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

Withdrawal of degrees, etc.

26. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

Maintenance of discipline among students of Universities.

27. (*1*) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.

(*2*) The Vice-Chancellor may delegate all or any of his powers referred to in clause (*1*), as he deems proper, to a Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.

(*3*) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department or a Faculty of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Department or a Faculty for one or more years, or that the results of the student

or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(*4*) The Principals of Colleges, Institutions, Deans of Faculties and Heads of Teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Faculties and Teaching Departments in the University, as may be necessary for the proper maintenance of discipline in such Colleges, Institutions, Faculties and Taching Departments.

(*5*) Without prejudice to the powers of the Vice-Chancellor and the Principal and other persons specified in clause (*4*) detailed rules of discipline and proper conduct shall be made by the University. The Principals of Colleges, Institutions, Deans of Faculties and Heads of Teaching Departments in the University may also make such supplementary rules as they deem necessary to the aforesaid purpose.

(*6*) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

Convocations.

28. Convocations of the University for the conferring of degrees shall be held in such manner as may be prescribed by the Ordinances.

Acting Chairman of meetings.

29. Where no provision is made for a President or Chairperson to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairperson so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Resignation.

30. Any member, other than an *ex-officio* member of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disqualifications.

31. (*1*) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities, or being appointed as, and for being, an officer of the University if—

(*i*) he is of unsound mind; or

(*ii*) he is an undercharged insolvent; or

(*iii*) he has been convicted by a court of law of an offence involving moral turpitude and Sentenced in respect thereof to imprisonment for not less than six months.

(*2*) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (*1*), the question shall be referred to the Visitor and his decision shall be final and no other proceedings shall lie in any civil court against such decision.

Residence condition for membership and office.

32. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership of authorities by virtue of membership of other authorities.

33. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Alumni Association.

34. (*1*) There shall be an Alumni Association for the University.

(*2*) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(*3*) No member of the Alumni Association shall be entitled to vote or stand for elections unless he has been a member of the Association for at least one year prior to the date of election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students's Council.

35. (*1*) There shall be constituted in the University, a Student's Council for every academic year, consisting of—

(*i*) twenty students to be nominated by the Academic Council on the basis of merit in studies, sports and extra-curricular activities; and

(*ii*) twenty elected representatives of students in the manner prescribed by the Ordinances.

(*2*) The Chairperson and other office bearers of the Council shall be elected by the members of the Council in the manner prescribed by the Ordinances:

Provided that any student of the University shall have the right to bring up any matter concerning the interest of the students before the Students' Council, if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(*3*) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of interest to the students and such suggestions shall be made on the basis of majority of the members present and voting.

(*4*) Twenty-one members shall form quorum of the meeting of the Council.

(*5*) The Students' Council shall meet at least twice in an academic year.

Ordinances how to be made.

36. (*1*) The first Ordinances made under sub-section (*2*) of section 30 may be amended, repealed or added to at any time by the Executive Council in the manner specified below.

(*2*) No Ordinance in respect of the matters enumerated in sub-section (*1*) of section 30 shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(*3*) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(*4*) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(*5*) Every Ordinance made by the Executive Council shall come into effect immediately.

(*6*) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption.

(*7*) The Visitor shall have the power to direct the University to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the University about his objection to the proposed Ordinance.

(*8*) The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

Regulations.

37. (*1*) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:—

(*i*) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(*ii*) providing for all matters which are required by the Act, the Statutes or the Ordinances to be prescribed by Regulations;

(*iii*) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(*2*) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(*3*) The Executive Council may direct the amendment in such manner as it may specify, of any Regulation made under the Statutes or the annulment of any such Regulation.

Delegation of powers.

38. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

STATEMENT OF OBJECTS AND REASONS

Education is considered as prime driving force in elevating the status of women and it is Government's commitment to ensure gender parity in all spheres of life. The making of quality education, available to everyone is the most fundamental basis for advancing gender equality and women's empowerment. Armed with such an education, and the self-confidence that comes with it, there is no limit to what women can do-provided they have equal access to job and career opportunities and the determination to make positive changes in the country.

2. There are some State Universities and Institutions deemed to be Universities which cater exclusively to women students, but there is no Central University exclusively for women in the country. In the 12th Five Year Plan while the focus is on consolidation of the existing institutions, there is no provision for new Central Universities to address the social gap. The University shall be established exclusively for women with an objective to provide for necessary support and supplement the efforts of the Government in women's empowerment by giving them increased access to higher education and research. The proposed women's University will cut across social and religious categories and facilitate girls from disadvantaged sections to enter into higher education.

3. Establishment of a Central University for women would have a multiplier effect on availability of empowered women in all walks of life. As a model Central University for women, it will create standards of excellence to be followed by others. Such a Central University will help in the fight to overcome discrimination and change perceptions about what women can and should do.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
November 13, 2015. UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish a new Central University as a body corporate to be known as the Savita Ambedkar National University for Women in the North-West district of Delhi. After enactment of the Bill, the Vice Chancellor will be appointed, who will prepare the Vision Document and the Draft Project Report under the guidance of the statutory authorities of the University. The actual financial requirements of the University will be worked out on the basis of the Draft Project Report. It is expected that the proposed University would require about rupees five hundred crore during the next Plan period. The expenditure would be met from the Consolidated Fund of India through the University Grants Commission under the budgetary provisions of the Ministry of Human Resource Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Clause 29 of the Bill provides that the first Statutes are those set out in the Schedule to the Bill. It also empowers the Executive Council of the University to make new or additional Statutes or to amend or repeal the Statutes of the university subject to the assent of the Visitor.

2. Sub-Clause (5), of the aforesaid clause empowers the Visitor also to make new or additional Statutes or amend or repeal the Statutes of the University during the period of five years immediately after the commencement of the Act.

3. Sub-Clause (6) further empowers the Visitor to direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably. The matters in respect of which the Executive Council and the Visitor may make, amend or repeal Statutes include the constitution, powers and functions of the authorities and other bodies of the University, the appointment of officers and teachers of the university, the conditions of service of employees of the University and other such matters.

4. Sub-Clause (2) of clause 30 of the Bill empowers the Vice-Chancellor to make the first Ordinances of the University with the previous approval of the Central Government and provides that the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes. The matters in respect of which Ordinances may be made, or as the case may be, amended, repealed or added to, relate to admission of students, courses of study, medium of instruction and examination, the manner of co-operation and collaboration with other Universities, institutions and other agencies, the setting up of a machinery for redressal of grievances of employees and other such matters.

5. Clause 31 of the Bill enables the authorities of the University to make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

6. Clause 45 empowers the Central Government, by order published in the Official Gazette, to make provisions to remove certain difficulties, which may appear to be necessary or expedient and such an order is not to be made after the expiry of a period of three years from the commencement of the Act and such order shall be laid before each House of Parliament.

7. Clause 46 provides that every Statute, Ordinance or Regulation made under the Act shall be published in the Official Gazette and they shall be laid before each House of Parliament.

8. The matters for which the Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill. The delegation of legislative powers is, therefore, of normal character.

BILL NO. 254 OF 2015

A Bill to provide for free educational and hostel facilities upto post graduation level for the students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class 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 Free Educational and Hostel Facilities to Students Belonging to the Scheduled Castes, the Scheduled Tribes and Economically Weaker Class 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.

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*) "economically weaker class student" means a student whose family income from all sources is not more than rupees twenty thousand per annum;

(*c*) "educational institution" means any college or institution or university imparting higher education including medical and technical education, recognized by the Government or established under an Act of the Central Government or a State Government; and

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

Free educational facilities for students belonging to certain categories.

3. Every educational institution shall provide free education to students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class for a period of six years from the date of his enrollment in such institution or till the completion of the course of study, whichever is earlier, in such manner as may be prescribed.

Explanation.—For the purpose of this section, free education includes,—

(*a*) all expenses incurred on admission and tuition fees;

(*b*) provision of books and stationery items free of cost; and

(*c*) scholarships, in such cases as may be prescribed.

Free hostel facilities.

4. The appropriate Government shall provide free hostel facilities to students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class, in such manner, as may be prescribed.

Establishment of adequate number of hostels.

5. The appropriate Government shall establish and maintain or cause to be established or maintained adequate number of hostels, at such places and in such manner as may be prescribed, within its territorial jurisdiction.

Act not in derogation of other laws.

6. 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.

Power to make rules.

7. (*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 previsoulsy done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country even after more than sixty years of independence, most of the students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class are not able to afford even their school education leave alone university level education. The poorest among them are not able to go even to primary schools and remain illiterate and thus continue to get exploited in the society. The Government provides free school education to them but that is not enough. After completion of school education when they go to the college or university, it is beyond their reach to pay either the tuition fee or the hostel charges. Medical and Engineering students have to stay in hostels which are very expensive and students belonging to these categories cannot afford cost of staying in the hostels. This compels even the brightest students among them to opt out from higher education.

In some cases their tuition fee is exempted but that is not enough. Therefore, it is necessary that students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class are provided free education and hostel facilities to enable them to pursue their higher education.

Hence this Bill.

NEW DELHI;
November 13, 2015.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free educational facilities to the students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class. Clause 4 provides for free hostel facilities for students belonging to the Scheduled Castes, the Scheduled Tribes and economically weaker class. Clause 5 provides for establishment of adequate number of hostels. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees one hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees one hundred 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. 255 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.

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

Amendment of article 124.

2. In article 124 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

"Provided that one-third of such Judges shall be appointed from amongst persons belonging to the Scheduled Castes and the Scheduled Tribes.".

Amendment of article 216.

3. In article 216 of the Constitution, the following proviso shall be added at the end, namely:—

"Provided that one-third of such Judges shall be appointed from amongst persons belonging to the Scheduled Castes and the Scheduled Tribes.".

STATEMENT OF OBJECTS AND REASONS

The Scheduled Castes and the Scheduled Tribes have been considered as the weakest sections of the society for ages. They have been ill treated, insulted and ignored.

Many steps taken by the Government to improve their standard of living have shown some results. Provisions have been made for reservation in their favour in Government jobs and also in educational institutions. However, their representation is limited. Demands have been made from several quarters for reservation in favour of the persons belonging to the Scheduled Castes and the Scheduled Tribes in judiciary also. As such, it is proposed to amend the Constitution with a view to making provisions for reservation in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in the Supreme Court and in High Courts.

Hence this Bill.

NEW DELHI; UDIT RAJ
November 13, 2015.

BILL NO. 132 OF 2015

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

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 Supreme Court of India (Establishment of a Permanent Bench at Aurangabad) Act, 2015.

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

Establishment of a Permanent Bench of Supreme Court of India at Aurangabad.

2. There shall be established a permanent Bench of the Supreme Court of India at Aurangabad and such number of Judges of the Supreme Court of India, being not less than eleven, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Aurangabad in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Odisha, Madhya Pradesh, Chhattisgarh, Jharkhand, Goa and Maharashtra and the Union territories of Puducherry, Dadra and Nagar Haveli, Lakshadweep and Andaman and Nicobar Islands and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India.

STATEMENT OF OBJECTS AND REASONS

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

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

Hence this Bill.

NEW DELHI;
April 7, 2015.

CHANDRAKANT KHAIRE

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

[Copy of letter No. K-15019/5/2015-US. 1 dated 1 July, 2015 from Shri D.V. Sadananda Gowda, Minister of Law and Justice to the Secretary General, Lok Sabha]

The President, having been informed of the subject matter of the Supreme Court (Establishment of a Permanent Bench at Aurangabad) Bill, 2015 by Shri Chandrakant Khaire, M.P., recommends the introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution, in Lok Sabha.

FINANCIAL MEMORANDUM

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

However, a recurring expenditure of about rupees fifty crore is likely to be involved per annum for the purpose of payment of allowances to the Judges of the Bench and payment of salaries to the Court servants.

A non-recurring expenditure of about rupees fifty crore is likely to be involved for the construction of building of the Court, etc. and appointment of staff members.

BILL NO. 215 OF 2015

A Bill to provide for regularisation of the services of anganwadi workers, conferring the status of permanent employee of the Government on them 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 commencement.

1. (*1*) This Act may be called the Anganwadi workers (Regularisation of Service and Other Benefits) Act, 2015.

(*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.

Definitions.

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

(*a*) "anganwadi" means an anganwadi centre set up under Integrated Child Development Services Scheme of the Central Government;

(*b*) "anganwadi worker" means any person working in an anganwadi and includes anganwadi helper; and

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

Regularisation of services of anganwadi workers.

3. (*1*) The Central Government shall, by notification in the Official Gazette, take steps to regularise the services of anganwadi workers and confer the status of Group "D" employees of the Government on all such anganwadi workers who are serving in anganwadi centres immediately before the commencement of this Act.

(*2*) Every anganwadi worker whose service has been regularised shall be entitled to such tenure, terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as are available to Group "D" employees under the Central Government.

Accommodation to anganwadi workers.

4. The Central Government shall take steps to provide accommodation to all anganwadi workers within the vicinity of their workplace.

Power of Central Government to remove difficulties.

5. 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 may appear to be necessary for removing the difficulty.

Savings.

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

Power to make rules.

7. (*1*) The Central Government may 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

Anganwadi centres were started in the country by the Central Government for implementation of the Integrated Child Development Services Scheme which includes women literacy, health awareness and child welfare schemes. These anganwadi centres are contributing a lot to the development of society in rural and remote areas for the last many years. Anganwadi workers are properly performing the work of dissemination, publicity and implementation of various schemes of the Government in rural areas. In view of the importance of services provided in these anganwadi centres, the strength of anganwadi workers has increased from 8 lakh to 14 lakh in the country. However, these anganwadi workers do not have any job security and are paid paltry sum as honorarium for their work. This may adversely affect the working of these anganwadi workers.

It is improper to pay very low remunerations to anganwadi workers who are working as an important chain between the Government and the people at village level for effective implementation of women and children related welfare schemes. Therefore, the services of these workers should be recognized and they should be given the status of 'Group D' employees of the Government.

Hence this Bill.

NEW DELHI;
July 6, 2015.

A. T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularisation of services of anganwadi workers and other benefits to them analogous to the Group "D" employees of the Central Government. Clause 4 provides for the provision of accommodation to the anganwadi workers within the vicinity of their workplace. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees five thousand crore is likely to be incurred.

A non-recurring expenditure of about rupees five hundred 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. 329 OF 2015

A Bill further to amend the Representation of the People (Amendment) Act, 1951.

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

Short title.

1. This Act may be called the Representation of the People (Amendment) Act, 2015.

43 of 1951.

Amendment of Section 30.

2. In section 30 of Representation of the People Act, 1951,—

(*i*) in clause (*d*), for the words "fourteenth day", the words "seventh day" shall be substituted; and

(*ii*) after clause (*e*), the following proviso shall be added at the end, namely:—

"Provided that where a general election is to be held for the purpose of constituting a new Legislative Assembly of only one State, the poll shall be held on a single day.".

STATEMENT OF OBJECTS AND REASONS

At present, election to fill up a seat in Legislative Assembly or Parliament can be held only after fourteenth day from the date of withdrawal of nominations. This period appears to be a long gap and money power and muscle power could play its dirty role in the elections. Moreover, it has been seen that many a times non-serious candidates are also in the fray due to reasons best known to them. It is felt that elections should be held immediately after the last date for the withdrawal is over in order to ensure free and fair polls. Therefore, it is proposed to curtail the waiting period of fourteen days for elections to seven days.

It has been observed that elections to Parliament or Assemblies of States are held in different phases *i.e.* scattered and not held on a single date. This results in channelization of energy of bureaucrats and others in election process leading to complete stoppage of even routine work in the State. Moreover, if enough time is given, it leads to unnecessary expenditure, irregularities, hatred and tension. If the poll is held on a single date, all these things could be avoided. Intention behind holding of polls in different phases may be deployment of security forces in order to ensure peaceful election. However, to start with, if general election is held to fill up seats in the Legislative Assembly of only one State, poll must be held on a single day by deploying adequate security forces.

This Bill seeks to achieve the above objective.

NEW DELHI;
November 13, 2015.

RAHUL SHEWALE

BILL NO. 330 OF 2015

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

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 Right of Children to Free and Compulsory Education (Amendment) Act, 2015.

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

Amendment of section 2.

35 of 2009.

2. In section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act),—

(*i*) clause (*f*) shall be omitted; and

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

'(*oa*) "secondary education" means the education from first class to tenth class;'.

Substitution of references to certain expressions by certain other expressions.

3. In the principal Act,—

(*i*) for the words "fourteen years" wherever they occur, the words "sixteen years" shall be substituted; and

(*ii*) for the words "elementary education" wherever they occur, the words "secondary education" shall be substituted.

Amendment of the Schedule.

4. In the Schedule to the principal Act,—

(*i*) in entry 1, in column (*2*), under the heading 'Item', for the words "eighth class", the words "tenth class" shall be substituted; and

(*ii*) in entry 3, in column (*3*), under the heading 'Norms and Standards' after "(*iv*) one thousand instructional hours per academic year for sixth class to eighth class." the figures and words "(*v*) one thousand and two hundred instructional hours per academic year for ninth and tenth class." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

After our independence, Right of Children to Free and Compulsory Education Act, 2009 is one of the most important legislation. The Act was enacted considering a heavy drop out of children from school due to various reasons. One of the reasons that was attributed is the financial condition of the parents and another was that the parents were not willing to send their children to schools but instead engage them in gainful employment in order to meet both ends. After enactment of the Act there has been a considerable decrease in the drop out of children from the schools. The Act is achieving its purpose very well and is high time that the ambit of the Act be extended upto secondary education. Since almost every school has necessary infrastructure to impart education upto tenth class, or even twelfth class, there is no reason why children are not given free education upto secondary education.

This Bill seeks to achieve the above objective.

NEW DELHI; RAHUL SHEWALE

November 13, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to extend the free and compulsory education from elementary education to secondary education. 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 ten thousand crore may be involved from the Consolidated Fund of India.

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

BILL NO. 331 OF 2015

A Bill to provide for reservation of vacancies in posts and services in establishments under the Central Government in favour of persons belonging to the economically weaker section 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 commencement.

1. (*1*) This Act may be called the Persons Belonging to Economically Weaker Section (Reservation of Vacancies in Posts and Services) 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.

Definitions.

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

(*a*) "establishment" means an establishment which is owned, established, controlled, managed or financed by the Central Government and includes—

(*i*) a Ministry or department or subordinate office or attached office of the Central Government;

(*ii*) a public sector undertaking or statutory authority constituted under any Central Act;

(*iii*) a corporation in which not less than fifty-one *per cent*. of the paid-up share capital is held by the Central Government;

(*iv*) a Government company as defined under clause (45) of section 2 of the Companies Act, 2013; and 18 of 2013.

(*v*) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India;

(*b*) "person belonging to economically weaker section" means a person whose annual income does not exceed rupees six lakhs per annum and is not covered under any of the scheme of reservation and who does not belong to the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes; and

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

Reservation of posts in establishments for persons belonging to economically weaker section.

3. (*1*) There shall be reserved such percentage of posts, not below ten *per cent*. of total posts in every establishment, for persons belonging to economically weaker section for appointment in civil services by direct recruitment.

(*2*) The vacancies reserved for the persons living below poverty line under sub-section (*1*) shall be filled in such manner as may be prescribed.

Over-riding effect of the Act.

4. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or any judgement, decree, order or direction of a court to the contrary regarding ceiling on reservation.

Power to make rules.

5. (*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 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

At present, reservation is provided to persons belonging to certain castes and tribes. Though it is an historical fact that the persons belonging to the Scheduled Castes and the Scheduled Tribes were oppressed for centuries, yet, now with the constitutional guarantee of reservation in services under the State and other welfare schemes by the successive Governments, their standard of living has improved to some extent.

However, the persons belonging to economically weaker section with no assistance or security from any Government are living in a miserable condition. They cannot afford higher education. Therefore, it is proposed to provide for reservation of vacancies in posts and services in establishments under the Central Government in favour of persons belonging to the economically weaker section.

Hence this Bill.

NEW DELHI;
November 13, 2015.

RAHUL SHEWALE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 312 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 on such date, as the Central Government may, by notification in the official Gazette, appoint.

Amendment of article 338.

2. In article 338 of the Constitution, in clause (*10*), the words "to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (*1*) of article 340, by order specify and also" shall be omitted.

Amendment of article 340.

3. In article 340 of the Constitution,—

(*i*) in clause (*1*), after the words "steps that should be taken by the Union or any State", the words "for the purposes of clauses (4) and (5) of article 15 and clause (4) of article 16" shall be inserted; and

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

"(*2A*) It shall be the duty of the Commission to—

(*a*) investigate and monitor all matters relating to the safeguards provided for the backward classes under the Constitution or under any other law for the time being in force or under any order of the Government of India or a State and to evaluate the working of such safeguards;

(*b*) inquire into specific complaints of deprivation of rights and safeguards of the backward classes;

(*c*) participate and advise on the planning process of socio-economic development of the backward classes and to evaluate the progress of their development under the Union and any State;

(*d*) present to the President, annually and at such other times, as the Commission may deem fit, reports upon the working of those safeguards;

(*e*) make in such recommendations as to the measures that should be taken by the Union or any State for the effective implementation of safeguards and other measures for the protection, welfare and socio-economic development of the backward classes; and

(*f*) discharge such other functions in relation to the protection, welfare, development and advancement of the backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(*2AA*) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (2A), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses and documents;

(*f*) any other matter which the President may, by rule, determine.".

STATEMENT OF OBJECTS AND REASONS

Article 340 of the Constitution provides for the appointment of a Commission to investigate the conditions of Backward Classes in the country. The Commission so appointed by the order of the President is constituted to investigate the conditions of socially and educationally Backward Classes and the difficulties under which they labour and 'to make recommendations as to the steps that should be taken by the Union or any State' to remove such difficulties and to improve their condition.

Article 15(4), as an enabling provision, allows the State, as defined by the Constitution, to make special provisions for the advancement of any 'socially and educationally' backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Article 15(5) allows the State to make special provisions in relation to their admission to educational institutions, including private and aided or unaided institutions other than minority institutions as referred to in article 30(1).

Article 16(4) allows the State to make any provisions for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State.

The Constitution while allowing the State these special provisions for the advancement of Backward Classes does not clarify the limitations or the scope of the Commission that is to be appointed under article 340 and hence it is important to ensure that the scope and constitutional limitations of the Commission be specified in the article 340 itself. This is to ensure the integrity and consistency of the Constitution as a whole with respect to the intent of the framers of the Constitutions regarding the advancement of the Backward Classes and to allow for the uniform interpretation and implementation of the objectives as enshrined in sovereign document as a whole.

The Constitution under Articles 338 and 338A empowers the National Commission for the Scheduled Castes and the National Commission for Scheduled Tribes to look into the grievances of Scheduled Castes and Scheduled Tribes respectively. However, similar powers have not been provided to the National Commission for Backward Classes (NCBC) that draws its powers from article 340 of the Constitution. Hence, it is important to ensure that the interests and grievances of all classes of citizens are represented and addressed, while ensuring equality of powers between the different arms of Government that have been entrusted with similar duties. Hence, it is imperative that the amendments as proposed to empower the NCBC to look into the grievances of persons of Other Backward Classes be undertaken.

Hence this Bill.

NEW DELHI;
November 13, 2015.

P.P. CHAUDHARY

BILL NO. 313 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 such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 16.

2. In article 16 of the Constitution, in clause (4), for the words ''backward class of citizens'', the words ''socially and educationally backward class of Citizens'' shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Constitution prohibits discrimination on the grounds of religion, race, caste, sex or place of birth and provides for equality of opportunity in matters of public employment. It also allows the State to make certain provisions for the advancement of persons belonging to the backward classes or for the Scheduled Castes and the Scheduled Tribes.

Article 15(*4*) of the Constitution allows the State to make special provisions for the advancement of any 'socially and educationally' backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Article 15(*5*) allows the State to make special provisions, by law, for advancement of persons belonging to the backward classes or for the Scheduled Castes and the Scheduled Tribes in relation to their admission to educational institutions, including private and aided or unaided institutions other than minority institutions as referred to in article 30(*1*).

Article 16(*4*) allows the State to make any provisions for the reservation of appointments or posts in favour of any backward class of the citizens, which in the opinion of the State, is not adequately represented in the services under the State.

It may be seen that under articles 15(*4*) and (*5*) of the Constitution, the State can make any special provision for advancement of any socially and educationally backward classes of the citizens or for the Scheduled Castes and the Scheduled Tribes, whereas under article 16(*4*), the State can make any provision for reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Article 16(*4*) is a broader constitutional provision for the representation of backward classes whereas article 15(*4*) and (*5*) restrict to socially and educationally backward classes of citizens. This divergence goes against the Constitutional principles of equality as the opportunities that are made available to all classes and sub-groups of people by the State should be equal, without elevating one sub-group over the other. Hence, it is imperative that opportunities in services under the State under article 16(*4*) of the Constitution should also be provided on the basis of the same parameters to Backward Classes as are provided in the matters of admission and other means of advancement under article 15(*4*) and (*5*) of the Constitution. A different set of parameters should not be used for the advancement of the same classes. The proposed amendment is also important in light of the fact that article 16(*4*) in its current form is too broad and allows scope for misuse. It also brings a number of people under its purview that may not in fact be deserving for availing benefits of reservation under above mentioned articles of the Constitution. It is important that benefits that are provided to the persons belonging to the backward classes should reach to those who deserve the most and such a criterion can only be established when those who are socially and educationally backward are given priority. The limited resources of the State must be apportioned for the benefits of those who deserve and require them the most and for this purpose this Bill has proposed an amendment in article 16(*4*) of the Constitution.

Hence this Bill.

NEW DELHI;
November 13, 2015.

P.P. CHAUDHARY

BILL NO. 299 OF 2015

A Bill to amend the National Commission for Backward Classes Act, 1993.

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

Amendment of section 1.

1. (*1*) This Act may be called the National Commission for Backward Classes (Amendment) Act, 2015.

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

Short title and commencement.

2. In section 1 of the National Commission for Backward Classes Act, 1993 (hereinafter referred to as the principal Act), in clause (*1*), for the words "National Commission for Backward Classes", the words "National Commission for Welfare of Backward Classes" shall be substituted. 27 of 1993.

Amendment of section 2.

3. In section 2 of the principal Act,—

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

"(*aa*) "appropriate Government" means the Government of a State in case of a State and in all other cases the Union Government;"

(*ii*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) "lists" means lists prepared by the Government of India from time to time for article 16(*4*) of the Constitution and making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India and also includes those that deal with the making of any special provisions for the advancement of any socially and educationally backward classes of citizens for article 15(*4*) of the constitution or relating to the advancement of such classes of citizens in their admission to educational institutions, including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (*1*) of article 30 of the Constitution for article 15(*5*) of the Constitution and such lists scope is to be limited by the applicability of articles 15(*4*) and (*5*) and 16(*4*) of the Constitution.".

Amendment of section 3.

4. In section 3 of the principal Act, in sub-section (*2*), for clauses (*b*) and (*c*), the following clauses shall be substituted, namely:—

"(*b*) two social scientists;

(*c*) three persons, who have special knowledge in matters relating to backward classes; and".

Amendment of section 8.

5. In section 8 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The Commission shall follow at its sittings such procedure as may be prescribed by the Central Government.".

Substitution of new section for section 9.

6. For section 9 of the principal Act, the following section shall be substituted, namely:—

Functions of the Commission.

"9. (*1*) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of the exclusion or against the inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.

(*2*) The recommendations of the Commission shall ordinarily be binding upon the Central Government:

Provided that it shall not be necessary to consult the Commission if a community/class of citizens has already been declared as "Backward" by the appropriate Government and the Central or State Government may declare such declared community/class of citizen as "Backward" and include it in its list of Backward Classes which in the opinion of the appropriate Government is not adequately represented in the services under it, for the purpose of article 16(*4*) of the Constitution:

Provided further that the appropriate Government may also make provisions for the advancement of socially and educationally Backward Classes or for the admission of socially and educationally Backward Classes to educational institutions in line with existing limitations without necessary consulting the Commission if the Central or State Government has already included the group of citizens in its list of Backward Classes in line with article 15(*4*) and (*5*) of the Constitution.".

STATEMENT OF OBJECTS AND REASONS

The National Commission for Backward Classes (NCBC) was constituted as a permanent body for entertaining, examining and making recommendations with regards to claims against the exclusion or against the inclusion of classes in the list of OBCs for the purpose of article 16(4) of the Constitution. The NCBC was constituted by the NCBC Act, 1993 which was legislated after the Supreme Court of India's Judgment, dated 16/11/1992 in the Writ Petition (Civil) No. 930 of 1990—Indira Sawhney and Others *Vs* Union of India and Others. In light of changes in the socio-economic conditions in the nation and the reading of the Act with the Constitution, the NCBC Act, 1993 requires a relook and hence the above mentioned amendments have been proposed for the Act.

Article 15(4) of the Constitution of India as an enabling provision allows the State, as defined by the Constitution, to make special provisions for the advancement of any 'socially and educationally' backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Article 15(*5*) allows the State to make special provisions in relation to their admission to educational institutions, including private and aided or unaided institutions other than minority institutions as referred to in article 30(*1*).

Article 16(*4*), allows the State to make any provisions for the reservation of appointments or posts in favour of any backward class of the citizens, which in the opinion of the State, is not adequately represented in the services under the State.

The Constitution while allowing the State these special provisions makes a distinction by including only socially and educationally backward classes under article 15(*4*), while allowing all classes of backward classes under article 16(*4*), making article 16(*4*) broader constitutional provision for the representation of backward classes. However, article 16(4) deals with the question of representation of backward classes in the services of the State with the additional caveat of 'adequate representation'. Hence, meaning that a class of citizens may be categorised as a backward class under article 15(*4*), however it may be adequately represented in the 'State services' even though it is socially and educationally backward and is hence ineligible for reservation under article 16(*4*).

Article 340 provides for the appointment of a commission to investigate the conditions of backward classes in the country. The commission so appointed by the order of the President is constituted to investigate the conditions of socially and educationally backward classes and the difficulties under which they labour and 'to make recommendations as to the steps that should be taken by the Union or any State' to remove such difficulties and to improve their condition.

The National Commission for Backward Classes Act, 1993 does not reflect the principles of welfare on which its creation was intended by the Parliament. Hence the provision to amend the name of the Act to represent the same is pertinent to reflect the true intentions of the Act and the Commission that it establishes.

The Parent Act mentions the requirement of only one social scientist in the composition of the NCBC, while allowing two positions to persons, who have special knowledge in matters relating to backward classes. The Commission while dealing with the topic of Backward Classes must have adequate representation of people with an academic and profession background in the field of demographic studies regarding such classes. In the case of the vacancy or absence of a member from the meetings of the commission, required and fruitful discussions will not be attainable. Hence, it is imperative to increase the representation of Social Scientists in the NCBC as they have domain specific knowledge of the subject matter, leading to better deliberation and recommendations from the commission to the Government.

Furthermore, the addition of a new member having specialised knowledge in matters relating to backward classes, from eminent persons, will enhance the strength of the NCBC, leading to a larger and more wholesome bench for deliberations and rendering fruitful recommendations to the Government. Such an increase in the strength of the NCBC will lead to an increase in the quorum requirements for the meetings of the NCBC, further lifting the quality of deliberations as the number of members required per meeting increases.

The Act confers upon the commission the power to hear complaints and make recommendations to the Government against the over-inclusion or under-inclusion of any backward class in the lists established from time to time for the reservation of appointments or posts where such citizens are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India. However the commission's domain is to ascertain the classes to be benefited and not the quantum for each class' representation. Hence the commission's jurisdiction to hear such complaints should be restricted to those that deal with the inclusion or against the exclusion of any backward class in such lists only. This is in consonance with section 9(*1*) of the Act that deals with the examination of requests for inclusion of any class of citizens as a backward class.

As stated above, Article 340 of the Constitution of India provides for the Commission to make 'recommendations' as to the steps that should be taken by the Union or any State to remove difficulties faced by the Backward Classes and to improve their condition. Hence, to make the advice of the commission ordinarily binding on the Central Government is an aberration and is *vide* for being in conflict with Article 340 of the Constitution and hence should be repealed. Moreover article 16(*4*) of the Constitution is framed with the caveat of 'in the opinion of the State' and hence with respect to the Article decisions regarding reservation as espoused by article 16(*4*) for adequate representation in the services under the State are in the sole domain of the Government and no other subsidiary or constitutional body (NCBC). This is due to the fact that in such matters the decision of the State is material and not that of any other body that makes recommendations to the Government on such matters. Hence meaning that the NCBC can only make recommendations and that the Government is supreme in the decisions that are taken with regards to reservations.

The framers of the Constitution while deliberating on the Constitution did not intend to delegate any decision making power in this matter from the President. They intended that the powers of the President were to be exercised by the President only and not be delegated to be exercised by the NCBC or any other such body in this regard. Article 15(*4*) however does not have this additional caveat and has no overriding effect of Government decisions being supreme over the recommendations of constitutional bodies such as the NCBC with regards to its provisions.

The combined reading of articles 16(4) and 340 of the Constitution hence lay down the principle that the Government should be free to make policies and decisions in the interests of the nation, wherein bodies such as the NCBC may make recommendations to the Government but not bind the Government to implement such recommendations in its decision making.

The basis of equality established as a fundamental right under articles 14-18 of the Constitution implies that if a class of citizens has been determined to be falling under the tests of a Backward Class and a particular Government either at the State or Central Level has notified it as a Backward Class then it follows that all such classes of citizens can be placed in the Lists of the Central and State Governments for Backward Classes as the Government so deems it to be fit and proper, following from the Principle of Equality. Hence, allowing for the recommendations of the NCBC to be overruled or ignored due to strong and compelling reasons as established by the Government at the State or Central levels about the inadequate representation of such classes of citizens in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India. This principle is also applicable for the purposes of making provisions for the

advancement of socially and educationally Backward Classes or for the admission of socially and educationally Backward Classes to educational institutions in line with the existing limitations without necessarily consulting the Commission if the Central or State Government has already included the group of citizens in its list of Backward Classes in line with articles 15(4) and 15(5) of the Constitution.

As stated above the intent and extent of the applicability of articles 15(4), (5) and article 16(4) of the Constitution differ. Hence, it is imperative that any recommendations that are made with respect to these Articles by the Commission to the Government of India be in light of respecting these Constitutional distinctions, while benefiting the intended beneficiaries of the recommendations as they belong to different backgrounds and require reservation for different purposes.

Hence this Bill.

NEW DELHI;
November 13, 2015.

P.P. CHAUDHARY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill provides that the Commission shall follow such procedure as may be prescribed by the Central Government.

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

BILL NO. 317 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.

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

Insertion of new article 123A.

2. After article 123 of the Constitution, the following article shall be inserted below the heading "CHAPTER IV.—THE UNION JUDICIARY", namely:—

Validation.

"123A. None of the articles *viz.* 124, 127, 128, 217, 222, 224A and 231, as amended, and new articles 124A, 124B and 124C, as inserted, by the Constitution (Ninety-Ninth Amendment) Act, 2014 shall be deemed to be void, or ever to have become void, on the ground that the said articles are inconsistent with, or taken away, the independence of judiciary, and, notwithstanding any judgment, decree or order of any court, each of the said article shall, subject to power of Parliament to omit or amend them, continue in force and shall be deemed always to be in force from the 13th day of April, 2015.".

STATEMENT OF OBJECTS AND REASONS

The Judges of the Supreme Court are appointed under clause (2) of article 124 of the Constitution and the Judges of the High Courts are appointed under clause (1) of article 217 of the Constitution, by the President of India. The *Ad-hoc* Judges and retired Judges for the Supreme Court are appointed under clause (1) of article 127 and article 128 of the Constitution, respectively. The appointment of Additional Judges and Acting Judges for the High Court is made under article 224 and the appointment of retired Judges for sittings of the High Courts is made under article 224A of the Constitution. The transfer of Judges from one High Court to another High Court is made by the President after consultation with the Chief Justice of India under clause (1) of article 222 of the Constitution.

The Supreme Court in the matter of the Supreme Court Advocates-on-Record Association *Vs.* Union of India in the year 1993, and in its Advisory Opinion given in the year 1998 in the Third Judges' case on a reference being made to the Supreme Court by the then President of India, had interpreted clause (2) of article 124 and clause (1) of article 217 of the Constitution with respect to the meaning of *"consultation"* as *"concurrence"*. Consequently, a memorandum of procedure for appointment of Judges to the Supreme Court and the High Courts was formulated known as the *"collegium system"*, and is presently being followed for such appointments. Pertinently, the said collegium system doesn't find mention either in the original Constitution or in any successive amendments thereto.

After a thorough review of relevant constitutional provisions, pronouncements of the Supreme Court of India and consultations with eminent jurists, a pressing need has been felt that a broad based National Judicial Appointments Commission should be established for making recommendations for appointment of the Judges of the Supreme Court and the High Courts. The said Commission is expected to serve a meaningful role to the judiciary, the executive and eminent persons to present their view points and make the participants accountable, while also introducing transparency in the selection process. This is further strengthened by the fact that a democratic set up necessitates that all appointments to public offices are made transparently and in a manner which is free from any bias. The process of appointment should be open to review and not merely based on the personal preferences. The transparency in appointments is also necessary to maintain the credibility and reputation of the institution for whose offices such appointments are being made.

The proposed amendment for introduction of National Judicial Appointment Commission is being proposed after taking into account the fact that established and mature democracies across the world such as the United Kingdom, France, Canada, Denmark, Ireland and South Africa have a robust democratic system of appointing judges to their highest courts where opinion of all quarters of democracy *i.e.* legislature, executive, judiciary and public at large is considered and valued while appointing the judges in their apex courts.

In a democratic set up, the legitimacy of every constitutional institution including the Supreme Judicial Authority must be traced to the will and consent of the people, directly or indirectly. The bearers to public offices in all other institutions in the country are appointed either by an executive authority that is accountable to the people or by a mechanism involving the executive and legislature by law. No institution in a democracy is entitled under the Constitutional provisions to abrogate itself any power of appointing its own successors. An unelected institution, however exacted, appointing its own press and successors is smeared with the questions regarding democratic accountability. Since the pronouncements made by the judges have a strong and deep impaction the public at large, it is necessary that the judicial appointments are not made unilaterally by the incumbents of the said institution only. Transparency and objectivity in appointment of judges of the

Supreme Court and the High Courts is also *sine qua non,* to ensure the credibility of the judiciary and the will of the people.

The legitimacy of the people's express or implied consent in the democracy as established by the Constitution of India is required to be upheld under all circumstances and for all public appointments including those of the judges of the Supreme Court and the High Courts. The Parliament of India is one of the pillars upon which the foundations of democracy stand and which has been bestowed with the right of formulating legislations and any attempt to override such constitutional mandate would only go to lessen the supremacy of Constitution which would in effect amount to altering the basic structure of the Constitution.

No functioning Democracy in the world, save for India, has a judiciary that appoints itself. In well-developed democracies, judicial appointments are not in the sole prerogative of the judiciary but the said appointments are made on the basis of an amalgam of considered and valued opinions of the legislature, executive, judiciary and lay citizens appointed by law. The body entrusted with the task of appointing the judges plays a critical role by keeping effective checks and balances and steers to keep any bias out of the system. The history of the appointments of judges in the other democracies as listed in the table can be an effective proof that the involvement of the executive and legislature in the appointment of the judges to the highest judicial offices has not reduced the independence or effectiveness of the judiciary as secured and safeguarded by the Constitution of India.

It is important to protect the credibility of the judiciary, an institution held in high esteem by the citizens of India and the other organs of the State. This credibility must not be tarnished and a credible and respected Supreme Court alone can safeguard the Constitution and the nation and effectively reconcile justice, Constitution, law, harmony and the public good. Any supposed unconstitutional usurpation of power by any constituent of democracy will only go to adversely affect the entire democratic set up. Any apprehension or suspicion that any input by the executive and/or legislature would deconstruct the independence of judiciary and the attempts to completely exclude the executive and/or legislature from the process of appointing judges would be wholly illogical and inconsistent with the foundations of the theory of democracy and a doctrinal heresy.

Lastly, it is vital that transparency of all proceedings material to the people of India and necessary within the Constitutional framework be ensured. The current proceedings of the collegium system are absolutely opaque and inaccessible both to the public and the Governmental records. This is contrary to the recordings of all other matters that affect the people of India, unlike the proceedings of Parliament and the Government that are available on record and on request under the Right to Information Act, 2005 to the people. Introduction of transparency in appointment of judges would only go to strengthen the independence of democracy and would be a positive step to further reinforce the trust and faith of people in the judicial set up. Any bias suspected to have crept into the collegium system would effectively be wiped out by introducing a democratic election of the judges by a body having its roots in the Constitution.

For achieving the goals as set out above, for ensuring the continued credibility and independence of judiciary and for reinforcing the faith of general public in the judicial set up, the proposed Bill seeks to insert a new article 123A, in the Constitution with a view to validate the Constitution (Ninety-ninth Amendment) Act, 2014.

Hence this Bill.

NEW DELHI;
November 17, 2015.

P.P. CHAUDHARY

BILL NO. 300 OF 2015

A Bill to provide for the establishment of a Board for the welfare and promotion of cultural and traditional handicraft in the country and further to provide institutional and financial assistance to the artisans living in rural 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 and commencement.

1. (*1*) This Act may be called the Artisans (Welfare and Promotion) Act, 2015.

(*2*) 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*) "Board" means the Artisans (Welfare and Promotion) Board established under section 3;

(*b*) "artisan" means any person engaged in handicraft manufacturing in rural areas in any sector;

(*c*) "Fund" means the Artisans (Welfare and Promotion) Fund constituted under section 5; and

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

Constitution of Artisans Welfare Board.

3. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Artisans (Welfare and Promotion) Board for the welfare and promotion of cultural and traditional handicraft art and to provide institutional and financial assistance to artisans to get better price of their art products and deeper market exposure.

(*2*) The Board shall consist of a Chairperson and such other members to be appointed by the Central Government in such manner as may be prescribed.

(*3*) The headquarters of the Board shall be at New Delhi.

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

Functions of the Board.

4. The Board shall—

(i) carry out, from time to time, extensive studies and analysis about the art works being produced and traditional arts practices carried out in rural areas;

(*ii*) set up art centres on the basis of studies carried out;

(*iii*) provide better opportunity to the artisans for marketing and ensuring fare price for their art works;

(*iv*) organise art exhibitions at regular intervals; and

(*v*) facilitate online portal of art works to enable artisans to avail better prices of their art products.

Constitution of Artisans (Welfare and Promotion) Fund.

5. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Artisans (Welfare and Promotion) Fund to provide financial assistance for welfare of artisans and promotion of cultural and traditional handicraft art.

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

(*3*) Any sum received by way of donation, contribution or grant shall be credited into the Fund.

(*4*) The Fund shall be administered by the Board for carrying out the purposes of the Act.

Power to make rules.

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

(*2*) Every rule 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 modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In rural areas, we find many talented people who create extremely creative and productive products through their art. But unfortunately due to non-availability of resources, low market exposure, lack of awareness, financial disability and no institutionalization support, these artisans face significant problems as they neither get fair price for their products nor they are able to show case their artwork at a broader prospect.

The Bill seeks to provide for welfare and promotion of traditional and cultural art of the country and to provide for institutional and financial support to the artisans to improve their social status in such a way that more employment and economic activities can be carried out in rural areas.

Hence this Bill.

NEW DELHI;
November 11, 2015.

MAHEISH GIRRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for constitution of a Artisans (Welfare and Promotion) Board for the Welfare of artisans in rural areas. Clause 4 provides for setting up of art centres and other facilities to artisans. Clause 5 provides for constitution of Artisans (Welfare and Promotion) Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that annual recurring expenditure of about rupees one hundred crore is likely to 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 6 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. 258 OF 2015

A Bill further to amend the National Cadet Corps Act, 1948.

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 National Cadet Corps (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.

Amendment of section 6.

2. For section 6 of the National Cadet Corps Act, 1948, the following section shall be substituted, namely:— 31 of 1948.

Enrolment.

"6. (*1*) Every able-bodied student of the male sex of any university shall be enrolled as a cadet in the Senior Division and every able-bodied student of the male sex of any school shall be enrolled as a cadet in the Junior Division if he is of the prescribed age or over.

(*2*) Every able-bodied student of the female sex of any university or school shall be enrolled as a cadet in the Girls Division if she is of the prescribed age or over.".

STATEMENT OF OBJECTS AND REASONS

It is imperative to have a well-trained civilian as well as a trained cadet. Compulsory NCC training to all able-bodied Under-Graduates will instill a strong sense of self-discipline, character and leadership qualities among them. Such a step will provide our Armed forces with trained volunteers, whose services can be utilized during civil or natural emergencies like earthquake, tsunami, cloudburst, hailstorm or floods in an efficient manner. Moreover, Army trained cadets will also realize the importance of service being rendered by members of Armed Forces. The training will make them smarter, fit, mature and motivated.

Training of girl cadets would lead to development of more confident, mature and strong women force of our country who will propel India towards becoming a leading power of the world. The Government should take effective steps for implementation of the proposal that whoever enters the Under-Graduate level must compulsorily receive and qualify for training.

The Bill, therefore, seeks to make NCC training compulsory to every able-bodied student with a view to develop a more strong sense of loyalty, duty and self-discipline among them and also prepare a trained manpower in reserve to meet any eventuality or natural calamity.

Hence this Bill.

NEW DELHI;
November, 13, 2015.

MAHEISH GIRRI

BILL NO. 302 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 on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 341.

2. In article 341 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:—

"(1) The President may, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to the whole of the territory of India.".

Amendment of article 342.

3. In article 342 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:—

"(1) The President may, by public notification, specify the tribes or tribal Communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to the whole of the territory of India.".

STATEMENT OF OBJECTS AND REASONS

The persons belonging to the Scheduled Castes or the Scheduled Tribes are still under privileged and are a neglected lot. There have been constant efforts to provide concessions and facilities to these persons by successive Governments. But still much is required to be done for improving their condition and for bringing them into the mainstream of the society.

At present, the persons belonging to the Scheduled Castes or the Scheduled Tribes are facing some practical and genuine difficulties which need immediate solution. In every State, caste certificates are issued by the district authority. These certificates are recognised for the purpose of extending reservation benefits by the State Government concerned throughout the State. The Union Government also recognizes the certificates issued by the State Government for the purpose of jobs or appointments in service under the Union Government. However, if a person belonging to the Scheduled Castes or the Scheduled Tribes moves out and settles in another State the Caste certificate issued by the parent State is not recognised for the purposes of giving benefits of reservation by State in which he has settled down, despite the fact that the same caste or tribe has been included in the list of the Scheduled Castes or the Scheduled Tribes in that State.

Due to lack of employment opportunities, people migrate to other States in search of employment and settle down there permanently. However, they become ineligible to enjoy the benefits of reservation in the State they have settled down for the reason that they have been issued certificates by the State from where they have migrated.

It is, therefore, necessary to amend the Constitution with a view to make provision that a member of the Scheduled Caste or the Scheduled Tribe in one State shall be treated as the Scheduled Caste or the Scheduled Tribe, as the case may be, for the purpose of availing benefits of reservation in whole of India.

Hence this Bill.

NEW DELHI;
November, 13, 2015.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 2 of the Bill empowers the President to specify the castes, races or tribes or parts of or groups within castes, races or tribes as the Scheduled Castes for the purpose of whole of India. Clause 3 empowers the President to specify the tribes or tribal communities or parts of or groups within tribes or tribal communities as Scheduled Tribes for the purpose of whole of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to castes, races or tribes under the ongoing Central Schemes meant for development of the Scheduled Castes and the Scheduled Tribes.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about five hundred crore will be involved annually.

No non-recurring expenditure is likely to be involved.

BILL NO. 314 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 on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new article for article 130.

2. For article 130 of the Constitution, the following article shall be substituted, namely:—

"130. The Supreme Court shall sit in Delhi and Ranchi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint."

STATEMENT OF OBJECTS AND REASONS

The appellants are already burdened and are further shunned to face the ordeal of having to travel thousands of kilometers to the seat of the Supreme Court in New Delhi for their trial and the consequent follow up of their cases.

Moreover, the number of pending court cases in the country has crossed three crore mark. Figures on the chronic backlog of court cases are in indictment of the country's beleaguered legal system. The plight of persons awaiting trial needs to be understood and addressed. It is not the wastage of time, but also an increased financial burden that makes the process inconvenient, cumbersome and expensive.

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

The language of the article clearly indicates that there was an intention of the founding fathers of the Constitution to have more than one seat of the Supreme Court.

Hence, the Bill seeks to establish a permanent Bench of the Supreme Court in Ranchi in Jharkhand. Strategic location for a permanent Bench as it is easily accessible for litigants. This will provide for a robust mechanism to not only manage pendency of court cases but simultaneously make the justice available at low cost and in an efficient manner to the public.

Hence this Bill.

NEW DELHI;
November 13, 2015.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 130 of the Constitution to establish a permanent Bench of the Supreme Court in Ranchi, Jharkhand.

This Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore would be involved annually.

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

BILL NO. 303 OF 2015

A Bill to provide for special financial assistance to the Santhal Pargana region of the State of Jharkhand for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of the persons and for the development, exploitation and proper utilization of its resources.

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 Special Financial Assistance to the Santhal Pargana Region of the State of Jharkhand Act, 2015.

(*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 Santhal Pargana of Jharkhand.

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 Santhal Pargana region of the State of Jharkhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of persons or for the development, proper utilization and exploitation of the resources in the State.

Act not in derogation of other law.

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

STATEMENT OF OBJECTS AND REASONS

The Santhal Pargana region of the State of Jharkhand is socially and economically backward. The problems of poverty, unemployment, illiteracy as well as measures for proper utilization of resources, welfare of weaker sections in the region are required to be addressed urgently by initiating new development schemes in a time-bound manner. Being a border area, Santhal Pargana of Jharkhand is strategically located and it is in the nation's interest that its development needs are addressed. It is, therefore, necessary that the Central Government should provide special financial assistance to the region of Santhal Pargana of Jharkhand for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step of providing financial assistance to this region would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
November 13, 2015.

NISHIKANT DUBEY

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 region of Santhal Pargana of Jharkhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Central Government.

The Bill, therefore, on enactment will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the region of Santhal Pargana of the State of Jharkhand. As the sums of moneys which will be given to the region of Santhal Pargana of Jharkhand 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 the 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. 327 OF 2015

A Bill to provide for consumers the right to free return of consumer goods within a stipulated time and for all matters connected therewith and incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Consumer Goods (Right to Free Return) Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall be come into force on such date, as the appropriate Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for coming into force of different provisions of this Act.

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*) "consumer" means any person who buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the buyer of such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose;

(*c*) "consumer goods" mean products which are purchased for consumption by an average consumer;

(*d*) "durable goods" mean goods which are consumed and used or disposed after serving its usefulness for a period of time, which is more than two years, like refrigerator, laptops, television sets etc.;

(*e*) "manufacturer" have the same meaning as given in section 2(j) of the Consumer Protection Act, 1986;

(*f*) "retailer" or "retail supplier" means any person who does the sale of goods from individuals or business to the end-user or final consumer and also includes online retail shops; and

(*g*) "semi durable goods" mean those products which are neither perishing nor lasting, like cloths, preserved foods, furniture etc.

CHAPTER II

PROCURING RECEIPT AND EXCHANGE OF CONTRACT

Receipt to act as a guarantee contract.

3. (*1*) The appropriate Government shall make it mandatory for all retailers to give a receipt for every durable and semi durable consumer goods purchase by the consumers and such receipt of purchase shall act as contract between the retail supplier and the consumer, wherein the production of this receipt shall be a pre-requisite for every claim made under the provisions of this Act.

(*2*) Every receipt given to the consumer shall have consumer guarantees specified on it as under:—

(*a*) that goods are of acceptable quality;

(*b*) that goods will be reasonably fit for use;

(*c*) that the description of goods is accurate and it would match any sample or demonstration model;

(*d*) that the goods will satisfy any extra promises made about them; and

(*e*) that there is a 'right to free return' of the goods within fifteen days of its purchase.

CHAPTER III

THE RIGHT TO FREE RETURN

Right to free return valid till fifteen days from purchase.

4. Every consumer shall have the right to return free any semi durable or durable goods purchased within fifteen days of the purchase in such manner as may be prescribed:

Provided that every such return of goods shall be done in their original condition, with no alteration to its size or shape, along with its original packing and the receipt of the purchase.

Removal of no replacement and no refund signs and display of right of consumers.

5. The appropriate Government shall ensure that all retail shops shall,—

(*a*) remove all signs that say 'no refund' or 'no replacement' from product covers and the retail shops; and

(*b*) display a board mentioning the right of consumers for free return of goods purchased by them.

No payable payment for receiving guarantee.

6. A receipt of the purchase of goods shall be considered as guarantee itself and the retail supplier shall not ask for any further payment from the consumer for receiving any guarantees.

Right of retailer to make claim against defective goods.

7. If a consumer returns the defective goods to the retailer, the retailer shall have the right to claim them against the wholesaler or the manufacturer, from whom he received the goods.

CHAPTER IV

GRIEVANCE REDRESSAL MECHANISM

Right of Consumers to move to court.

8. A consumer may in case of redressal of any grievance under this Act move to the 'Consumer Disputes Redressal Forum' or to the 'State Consumer Protection Council' or to the 'Central Consumer Protection Council' established under the Consumer Protection Act, 1986.

Law enforcing agency.

9. The Central Consumer Protection Council established under CPA 1986 and the agencies appointed by it shall be responsible for the enforcement of the provisions and rules made under this Act.

Details disclosed online for transparency.

10. The Central Consumer Protection Council shall publish on its website this Act and rules made thereunder and also the details of complaints received by the authorities in District, State and Central level, on different products, under the purview of this Act, including details of:—

(*a*) the products returned;

(*b*) the refund sought;

(*c*) tracking the progress of each complaint with time line for completion; and

(*d*) the complaint resolved.

Power to remove difficulty.

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

Power to make rules.

12. (*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

The Consumer Protection Act, 1986 is widely considered to be a benevolent social legislation that provides for the protection of consumer rights. The fact was amended a number of times, the last being in 2002. The Principal Act, introduced in 1986 and subsequently amended, established consumer dispute resolution mechanisms and provides to control the trade of spurious goods and services through the authorities established. It does not confer on the consumer a positive right which he can enforce himself. In the context of increasing influx of imported goods to the country and the new trend of online shopping, it is necessary that the consumers are empowered to refuse a goods that does not satisfy the needs, without approaching forums or courts.

This Bill makes it the right of a consumer to return any purchased product within a stipulated time for genuine reasons. It seeks to provide the consumer a right to return any purchased durable or semi-durable goods within fifteen days of purchase. It also provides that there should be a centralized database on complaints received and resolved by consumer protection councils and forums on goods purchased, so that before buying any product the consumer can make an informed choice to any terms agreed by both parties, retail supplier and consumer. The Bill seeks to provide additional statutory provisions for the benefit to the consumer.

The enforcement of the Act would be the responsibility of the authorities established under the Consumer Protection Act 1986. This will ensure that there is no burden on the Central or State Governments for establishing additional authorities for monitoring and carrying out the purposes of this Act.

Hence this Bill.

NEW DELHI;
November 13, 2015.

NISHIKANT DUBEY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to the Central Government to make necessary 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. 290 OF 2015

A Bill to provide for, in the interest of upholding the values of international human rights, an appropriate legal framework to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay.

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 Protection of Refugees and Asylum Seekers Bill, 2015.

(*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.

Declaration.

2. For the removal of doubts, it is hereby declared that the main objects of this Act are:—

(*a*) to establish an appropriate legal framework to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay;

(*b*) to do the same in a way that:

(*i*) it is in adherence with articles 37 and 253 of the Constitution of India, which provide an administrative system free from arbitrariness and guarantee equality, fairness and due process of law;

(*ii*) it maintains India's commitment to upholding international human rights principles through accession to all major human rights treaties, and adoption of appropriate legislative steps to implement them; and

(*iii*) to ensure that the grant of refugee status shall be considered a peaceful and humanitarian act and will not imply any judgment on the country of origin of the refugee.

Definitions.

3. In this Act, unless the context otherwise requires:

(*a*) 'asylum seeker' means a person who seeks recognition and protection as a refugee;

(*b*) 'Commissioner' means the Commissioner of Refugees appointed under section 7;

(*c*) 'country of origin' means the refugee's country of nationality or if he or she has no nationality, his or her country of former habitual residence;

(*d*) 'prescribed' means prescribed by rules under this Act.

(*e*) 'refugee' means—

(*i*) any person who is outside his or her country of origin, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership or particular social group or political opinion; or

(*ii*) any person who owing to external aggression, occupation, foreign domination, serious violation of human rights or other events seriously disrupting public order in either part or whole of his or her country of origin, is compelled to leave his or her place of habitual residence in order to seek refuge in another place out his or her country or origin.

Explanation.—In the case of a person who has several nationalities, the term "his or her country of origin" shall mean each of the countries of which he or she is a national, and a person shall not be deemed to be lacking the protection of the country of which he or she is a national, if without any valid reason based on well-founded fear, he or she has not availed himself of the protection of one or more of the countries of which he or she is a national.

(*f*) 'Refugee Committee' means the Committee referred to in section 7 as an Appellate Board; and

(*g*) 'refugee children' means children below the age of eighteen years who are seeking refuge or where protection is extended by the State to children under article 22 of the Convention on the Rights of the Child, 1989.

Persons who shall be excluded from refugee status.

4. A person shall be excluded from refugee status for the purpose of this Act if:

(*a*) there are serious reasons to believe that he or she has committed acts of a crime against peace, a war crime or a crime against humanity, in accordance with the applicable principles and rules of International Law and Conventions, including the SAARC Regional Convention on Suppression of Terrorism, 1987; or

(*b*) there are serious reasons to believe that he or she has committed a serious non-political crime contrary to the applicable principles and rules of the SAARC Regional Convention on Suppression of Terrorism, 1987, prior to his or her admission into India as a refugee.

Principle of Non-Refoulement.

5. (*1*) No refugeee or asylum seeker shall be expelled or returned in any manner whatsoever to a place in which there are sufficient reasons or well-founded fears to believe that his or her life or freedom would be under threat on account of any of the reasons set out in clause (*e*) of section 3.

(*2*) Where an asylum seeker or refugee has been convicted by a final judgement of a crime against peace, a war crime or a crime against humanity and constitutes a danger to the community, or there are reasonable grounds to believe that an asylum seeker or refugee is a threat to the sovereignty and integrity of India, such an asylum seeker or refugee shall be excluded from the protection provided under this Act.

Application for recognition of refugee.

6. (*1*) Where an application is made by or on behalf of, or in relation to an asylum seeker, for the recognition of the said asylum seeker as a refugee, either at the point of entry or subsequently, the applicant shall, in accordance with the principle laid down in section 5 be directed and assisted to apply to the Commissioner of Refugees.

(*2*) Where an application is made by or on behalf of, or in relation to an asylum seeker, for the the determination of refugee status, pending determination of such status, certain restrictions shall be imposed on the asylum seeker as are considered necessaryin the interests of sovereignty and integrity or public order of India, or as may be prescribed.

(*3*) Application under this section may be made within such reasonable time, as may be prescribed.

(*4*) Where an application for refugee status is made by or on behalf of, or in relation to a child, or where a refugee child is found within the territory of India; he or she shall receive immediate and appropriate protection and humanitarian assistance in accordance with the existing policy and legal framework of the State.

(*5*) The requirement of filing an application form on behalf of a child may be entrusted to a local Legal Service Authority or their representatives or any other recognised non-Governmental Organisation involved in the welfare of children.

Constitution of the Authorities.

7. (*1*) In order to implement the provisions of this Act, the President shall appoint—

(a) the Commissioner of Refugees and Deputy Commissioners of Refugees as may be necessary on the basis of the eligibility requirements and procedures laid down in section 8;

(b) other officers as may be necessary after consultation with the Commissioner of Refugees; and

(c) the Chairperson and Members of the Refugee Committee.

(*2*) The Chairperson of the Refugee Committee shall appoint the staff of the Committee.

(*3*) The Salary, Allowances Payable to and other terms and conditions of service of the Commissioner, Deputy Commissioner, Chairperson, Members and Secretarial staff of the Refugee Committee shall be such as may be prescribed.

Appointment and functions of the authorities.

8. (*1*) The Commissioner of Refugees shall be a sitting or retired High Court Judge and shall be appointed after consultation with the Chief Justice of India, for a period of three years.

(*2*) The Deputy Commissioner shall be appointed from amongst persons who is qualified to be appointed as a High Court Judge, and shall be appointed after consultation with the Chief Justice of India, for a period of three years.

(*3*) The Chairperson of the Refugee Committee shall be a retired Supreme Court Judge and shall be appointed by the President in consultation with the Chief Justice of India for a period of three years.

(*4*) The Refugee Committee shall consist of a sitting or retired High Court Judge, appointed by the President in consultation with the Chief Justice of India, and two independent members with knowledge and experience of refugee issues and refugee law, who shall hold office for a period of three years from the date of their appointment.

(*5*) The decision of the Commissioner of Refugees shall be final and any appeal against such decision shall lie only with the Refugee Committee, as the Appellate Board for reconsideration of the decision.

(*6*) The functions of the Commissioner of Refugees and the Refugee Committee shall be as laid down in sections 9 and 11.

(*7*) The Commissioner of Refugees may assign such of his functions as may be necessary to the Deputy Commissioner of Refugees appointed under this Act.

Determination of the refugee status.

9. (*1*) An asylum seeker who wishes to claim refugee status shall be heard by the Commissioner of Refugees before the determination of his or her status.

(*2*) During the refugee determination interview, the asylum seeker shall be provided necessary facilities by the Commissioner of Refugees, including the service of a competent interpreter where required, and a reasonable opportunity to present evidence in support of his or her case.

(*3*) The asylum seeker, if he or she wishes, shall be given an opportunity, of which he or she should be duly informed, to contact a representative of United Nations High Commission for Refugees (UNHCR), as facilitated by the Commissioner of Refugees.

(*4*) The asylum seeker, if he or she wishes, shall be entitled to be assisted in the determination of the status by a person of his or her choice, including a legal practitioner.

(*5*) A list of competent legal practitioners, who are conversant with refugee law, shall be provided by the Government to the asylum seeker.

(*6*) If the asylum seeker is not recognised as a refugee, he or she shall be given such reasonable time as may be prescribed, to appeal to the Refugee Committee.

(*7*) Where an application by the asylum seeker is rejected, the Commissioner of Refugees shall give reasons for the order in writing and furnish a copy of it to the asylum seeker.

(*8*) If the asylum seeker is recognised as a refugee, he shall be informed accordingly and issued with documentation, certifying his refugee status.

Publication of findings and decision.

10. (*1*) The findings as well as the orders of the Commissioner of Refugees, the Refugee Committee and other authorities established under this Act shall be published by them periodically.

(*2*) The Commissioner of Refugees and the Refugee Committee shall publish, every year, a report of their work which shall be made public.

Appellate procedure.

11. (*1*) The Refugee Committee shall receive and consider appeals made by asylum seekers against the decision of the Commissioner of Refugees.

(*2*) The Committee may also consider applications for the refugee status *suo motto*.

Persons who shall cease to be refugees.

12. A person shall cease to be a refugee if—

(*a*) he voluntarily re-avails himself of the protection of the country of his origin; or

(*b*) he becomes a citizens of India; or

(*c*) he has acquires the nationality of some other country and enjoys the protection of that country; or

(*d*) he has voluntarily re-established himself in the country which he left, or outside which he remained owing to fear of persecution; or

(*e*) he can no longer, because the circumstances in connection with which he was recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality.

Exception:—A person shall not cease to be a refugee for the purpose of this Act if he shows compelling reasons, arising out of previous persecution, for refusing to avail himself of the protection of the country of his nationality, such as incidences of previous persecution by any individual or groups, State or non-State actors.

Rights and duties of refugees.

13. (*1*) Every refugee and asylum-seeker, so long as he remains within India, shall have the right to fair and due treatment without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political group.

(*2*) Every refugee, so long as he remains within India, shall have the right to:—

(*a*) receive the same treatment as is generally accorded under the Constitution or any other laws and privileges as may be granted;

(*b*) be provided means to seek a livelihood for himself, and for those dependent on them;

(*c*) in the case of refugee women and children, be given special consideration to ensure their protection and material well being;

(*d*) choose his place of residence and move freely within the territory of India, subject to any regulation applicable to refugees generally in the same circumstances;

(*e*) be issued identity documents;

(*f*) be issued travel documents for the purpose of travel outside and back to the territory of India unless compelling reasons of national security or public order otherwise require; and

(*g*) access to education, health and other related services.

Situations of mass influx.

14. (*1*) The Central Government may, in appropriate cases where there is large-scale influx of asylum seekers, issue an order permitting them to reside in India without requiring their individual status to be determined under section 11 until such time as the reasons for departure from the country of origin have ceased to exist, or the Government decides that their status should be determined on an individual basis under this Act.

(*2*) Asylum seekers who have been permitted to reside in India under this provision. may be subject to reasonable restrictions with respect to their location and movement, in the interests of public health and order, so, however, they shall normally have the same rights as refugees under this Act.

(*3*) Women and children asylum seekers in mass influx shall be given special consideration as to their protection and material well being.

Refugees Unlawfully in India.

15. The Central Government shall not impose penalties on refugees who, coming directly from a place where their life or freedom was threatened, enter or are present in India without authorisation, provided they present themselves without delay to the authorities and are able to show good cause for their illegal entry or presence.

Voluntary Repatriation.

16. (*1*) The repatriation of refugees shall take place at their free volition expressed in writing or other appropriate means, before the Commissioner of Refugees.

(*2*) The voluntary and individual character of repatriation of refugees shall be carried out under conditions of transparency and safety to the country of origin.

(*3*) The voluntary repatriation of refugees shall take place in accordance with such guidelines, as may be prescribed.

Central Government to provide adequate funds.

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

Act to have overriding effect.

18. 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.

19. (*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

Articles 37 and 253 of the Constitution provide an administrative system free from arbitrariness and guarantee equality, fairness and due process of law. Moreover, India is also committed to upholding International Human Rights principles through accession to all major human rights treaties, and adoption of appropriate legislative steps to implement them.

While India is still not a signatory to the United Nations Convention relating to the Status of Refugees, 1951 or the 1967 protocol relating to the status of refugees but India does provide protection to a steady influx of refugees every year. As per the records of the Government of India, about 10340 Afghan refugees, 4621 refugees from Myanmar, 80806 refugees from Sri Lanka and 1,01,148 stateless refugees including Tibetan refugees are staying in India.

Hence, in light of the current global scenario and the European refugee crisis, it is believed that India needs its own legal framework in the form of a uniform law in order to process matters relating to forced migration in respect of determination of refugee status, protection from refoulement and treatment during stay of refugees.

The Bill seeks to address the above issues by establishing the posts of the Commissioner of Refugees, the Deputy Commissioners of Refugees and the Refugee Committee. The Bill also assigns roles and responsibilities to the above-mentioned authorities in order to ensure that refugees in India are meted out uniform rights and privileges during their stay and are justly repatriated.

NEW DELHI;
November 13, 2015.

RABINDRA KUMAR JENA

FINANCIAL MEMORANDUM

Clause 7 of the Bill seeks to provide for the appointment of Refugee Committee. It also provides for the appointment of officers and staff for the Committee. Clause 10 provides for periodical publication of findings of the Commission of the Refugees and Refugee Committee. Clause 17 provides that Central Government shall provide adequate funds to the Refugee Committee for carrying out the purposes of this Act.

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 five hundred crore will be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore would also be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 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 normal character.

BILL NO. 295 OF 2015

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

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 Constitution (Scheduled Tribes) Order (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.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XVIII.—Arunachal Pradesh,—

(*i*) after entry 3, the following entry shall be inserted, namely:—

"3A. Nocte";

(*ii*) after entry 14, the following entries shall be inserted, namely:—

"14A. Tangsa

14B. Tutcha"; and

(*iii*) after entry 16, the following entries shall be inserted, namely:—

"17. Wangchoo

18. Yobin".

STATEMENT OF OBJECTS AND REASONS

Article 366(25) of the Constitution defines Scheduled Tribes as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be scheduled Tribes for the purposes of this Constitution".

In pursuance of article 342 of the Constitution, the first list of Scheduled Tribes in respect of the State of Arunachal Pradesh (the then in State of Assam) was notified *vide* the Constitution (Scheduled Tribes) Order, 1950. The list of the Scheduled Tribes of the State of Arunachal Pradesh have been modified through the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 and by the State of Arunachal Pradesh Act, 1986 and the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002. At present, there are sixteen communities and synonyms appearing in respect of the list of Scheduled Tribes in the State of Arunachal Pradesh.

At present, there are five tribes known as other Naga tribes who do not have any identity in the Constitution. Therefore, they do not enjoy the benefits of reservation as applicable to other Scheduled Tribes. The tribes are 'Tangsa', 'Nocte', 'Tutcha', 'Wangchoo' and 'Yobin' of Tirap, Changlang and Longding districts of State of Arunachal Pradesh. Hence, it is important that these tribes may be recognized and listed as the Scheduled Tribes in respect of the State of Arunachal Pradesh.

The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
November 13, 2015.

NINONG ERING

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 130 of the Constitution to establish a permanent Bench of the Supreme Court in Ranchi, Jharkhand.

This Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore would be involved annually.

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

BILL NO. 260 OF 2015

A Bill to provide for regulation of computer training centres and banning of all the computer training centres functioning without registration from the Government.

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 Regulation of Computer Training Centres Act, 2015. 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.

Computer centres not to function without registration.

2. On and from the date of commencement of this Act, no person shall run any computer centre without prior registration with the designated authority of the Central Government.

Computer centres to apply for registration.

3. The In-charge or the head of the affairs of a computer centre, whether set up prior to or after the commencement of this Act, shall, within one month from the date of commencement of this Act, apply to the designated authority of the Central Government, in such form and manner, as may be prescribe by rules made under this Act, for registration of his computer centre.

Penalty.

4. Whoever contravenes the provision of section 2 shall be punished with imprisonment for a term not exceeding two months or with fine of rupees one lakh, or with both.

Power to make rules.

5. (*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 are a number of computer training centres at present operating in the country without any Government's permission or registration. These computer training centres after advertising in the newspapers enrol the students by charging thousands of rupees. Many of these institutions have closed down their activities after collecting money from the students. These institutions are charging different rates from students on different type of computer education. Many of these institutions have cheated the students and spoiled their carrer as after receiving the hefty amount they locked their activities within three-four months. This has created great unrest among the students community. Their career has been marred and these students have been agitating. Thus, there is a need of closing down all these computer training centres and award severe punishment to those who operate such centres in the country without the permission of the Government.

Hence this Bill.

NEW DELHI;
November 13, 2015.

RAJESH RANJAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 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. 261 OF 2015

A Bill to provide for the deterrent measures for the control of consistently rising prices of essential commodities particularly of foodgrains, pulses, edible oils, fruits and vegetable and items of daily use which have adversely affected the common man and for prevention of hoarding, profiteering and determination of prices of all consumer goods by the appropriate Government to give the desired relief to the common man and for matters connected therewith and 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 Control of Rising Prices 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.

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*) "consumer goods" includes all essential commodities of daily use of consumers such as wheat and wheat products mainly flour, rice and other cereals, pulses and beans, edible oils, ghee including desi and vanaspati, sugar and jaggery, salt, soaps and detergents but does not include seasonal vegetables and fruits;

(*c*) "dealer" means any person, by whatever name known or called, who carries on the business of selling any consumer good or goods in any manner;

(*d*) "hoarding" means accumulating consumer goods and their stocks meant for sale to the general public with a view to concerning such goods and stocks so as to create artificial scarcity with malicious intention to raise their prices which are very high and are not competitive;

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

(*f*) "profiteering" with its grammatical variations and cognate expressions means the sale of any consumer goods at a price or rate higher than the fixed maximum retail price or prevailing market price; and

(*g*) "retail price" means such fixed price at which a dealer can sell consumer goods in retail and such price shall include all taxes levied on such products.

Prohibition of hoarding of, profiteering in and over pricing of consumer goods and articles.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, the hoarding of, profiteering in and over pricing of consumer goods and articles in any manner whatsoever is hereby prohibited.

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

Constitution of a Commission for Price Fixation of Consumer Goods.

4. (*1*) The Central Government shall, by notification in the Official Gazette, set up a Commission for Price Fixation of Consumer Goods for the purposes of this Act.

(*2*) The Commission shall consist of,—

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

(*b*) five members to be appointed by the Central Government from amongst the experts in the field of commodities and consumer goods including representatives of the public and dealers respectively in such manner as may be prescribed;

(*c*) four members to be nominated by the State Governments by rotation in the alphabetical order.

(*3*) The terms of office of the Chairperson and members and the procedure to be followed in the discharge of their functions, and the salary and allowances shall be such as may be prescribed.

(*4*) The Central Government shall provide Secretarial assistance to the Commission in such manner as may be prescribed.

Function of the Commission.

5. (*1*) The Commission shall, by order notified in the Official Gazette, fix the maximum selling retail price of all consumer goods and commodities which may be charged by a dealer or the minimum price which is to be paid by a consumer to the dealer.

(*2*) The Commission may while fixing the prices of the consumer goods, take into account,—

(*i*) the quality and durability of the goods.

(*ii*) the supply and demand position of consumer goods;

(*iii*) the overall cost of production;

(*iv*) the losses, if any, during production;

(*v*) the price of accessories, which in any manner affect the price factor of the consumer goods;

(*vi*) the prevailing price and availability position of similar products in the international market;

(*vii*) the export potential of the consumer goods;

(*viii*) any other relevant factor which may be deemed necessary in determining the price factor of the consumer goods;

(*ix*) fixation of defferent prices for different consumer goods in different States or regions as per the local production, consumption and availability and other factors.

(*3*) After taking into consideration all the relevant factors, the prices fixed under this Act shall be revised from time to time by the Commission.

(*4*) The prices fixed under this Act shall be given wide publicity throughout the country through print, electronic and media in such manner as may be prescribed.

Appropriate Government to implement the provisions.

6. (*1*) It shall be duty of the appropriate Government to implement the provisons of this Act and the price structure fixed under this Act within its territorial jurisdiction in the manner it may deem necessary or exepedient to do so for the purposes of this Act.

(*2*) The appropriate Government shall, by notification in the Official Gazette, ban the export of consumer goods which are in short supply in the country and allow free import of such goods in the country.

Miscellaneous.

7. Notwithstanding anything contained in any other law for the time being in force, every dealer of consumer goods shall,—

(*a*) display a board showing the maximum retail price of every consumer goods which he sells at a conspicuous place of his shop or establishment;

(*b*) display the stock position on daily basis of all the consumer goods available with him;

(*c*) maintain a register for the consumer goods and make entries about the goods giving such details and in such manner as may be prescribed.

Penalty.

8. (*1*) Any dealer who contravenes the provisions of sub-section (*1*) of section 3 and profiteers in any consumer goods shall be punishable with rigorous imprisonment which shall not be less than four years but may extend to seven years and also with fine which shall not be less than five lakh rupees but may extend to ten lakh rupees and the consumer goods in respect of which the offence has been committed or such part thereof as the trial Court may deem fit shall be confiscated by the appropriate Government.

(*2*) Any dealer, consumer or person who in contravention of the provisions of this Act found deliberately hoarding consumer goods or articles of daily use shall be punished with rigorous imprisonment which shall not be less than five years but may extend to ten years and also with fine which may extend to ten lakh rupees and the hoarded stock shall be confiscated by the appropriate Government unders the orders of the trial Court.

(*3*) Any dealer who, without valid and reasonable ground refuses to sell any consumer goods shown in the stock by him to any consumer desirous to purchase the goods or refuses to sell it at the price fixed under this Act shall be punished with regorous imprisonment which may extend to five years and also with fine which may extend to five lakh rupees.

(*4*) Any dealer who contravenes the provisions of section 6 shall be punished with imprisonment for a term which may extend to three years and also with fine which may extend to two lakh rupees.

Power of search and seizure.

9. When any Police Officer not below the rank of Inspector of Police has reasonable grounds for believing or has definite information that there has been a contravention of any provisions of this Act, such officer may, after recording in writing the grounds on his belief, at all reasonable hours enter and search and place where a dealer keeps, or is for the time being keeping, any consumer goods covered under this Act and seize the goods under this Act.

2 of 1974.

Cognizance of offence and arrest without Warrant.

10. (*1*) Notwithstanding anything contained in the Code of Crminal Procedure, 1973 all offences punishable under this Act shall be cognizable and non-bailable.

(*2*) Any Police Officer, not below the rank of Inspector of Police, may arrest without warrant any person against whom a reasonable complaint has been made or creditable information has been received of his having been involved in any of the offences punishable under this Act.

Act to have overriding effect.

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

Act to supplement other laws.

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

Power to make Rules.

13. (*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 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 session 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

These days the general public particularly the poor, middle class and housewives have adversely been affected by sharp increase in the prices of consumer goods of daily use. It is becoming difficult for the households to have two square meals as the atta, rice, pulses, edible oils, ghee, spices, sugar, vegetables and fruits have become very costly and gone out of the reach of the common man. This is causing resentment, concern and frustration amongst the people be it salaried class, middle class, daily wage earners, poor or those living below the poverty line and mostly the housewives whose budget for kitchen is shrinking very fast. In order to maintain the balance and keep check on increasing expenditure, the housewives resort to cut the items or reduce their quantity but in vain. Even Daal-Roti has become a luxury for almost all the households. Nutrition has become the victim and survival has become the main issue. On the other hand, the dealers are resorting to profiteering and selling the goods on premium at their whims and fancy. The wholesellers and others are in most cases creating artificial scarcity by hoarding the goods with intention of profiteering later. There is no check on the pricing of any commodity. Prices are fixed by the dealers as per their choice and it is said that syndicates in different parts determine the prices on daily basis resulting in price rise of every thing.

Hence, a system of checks and balances has become necessary in order to stabilize the prices of different consumer goods, which are used by the common man. If a Commission is set up for this purpose it may fix the retail prices of all consumer goods to protect the poor consumers in the country. Penal provisions have to be provided for those who do not comply with the prices determined by the Commission and those who resort to hoarding and profiteering so as to deter them. This will control the price rise to a great extent and give the desired results to the common man, those living below poverty line, daily wage earners and housewives whose household budget has become nightmare for them.

Hence this Bill.

NEW DELHI; RAJESH RANJAN

November 13, 2015.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of a Commission to fix the retail prices of consumer goods for the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore may involve as recurring expenditure from the Consolidated Fund of India per annum.

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

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 normal character.

BILL NO. 262 OF 2015

A Bill to provide for the protection of the needy, suffering, abandoned, destitute, old or infirm widows of the society by initiating welfare measures for such widows by the Central and State Governments and for the establishment of an Authority for that purpose and for matters connected therewith and 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 Neglected and Suffering Widows (Protection and Welfare) 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.

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) "Authority" means the Widows Welfare Authority established under section 4;

(c) "neglected or destitute" in relation to a widow means a widow who has been disowned and neglected by her relatives or who has no relative or kinsman to support her or a widow having no source of income with or without dependent minor children;

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

(e) "suffering" in relation to a widow means a widow stricken with infirmity due to old age, physical deformity, sickness or disease, mental illness and who lives uncared for; and

(f) "widow" means a legally married woman and whose husband has died.

National Policy for the Welfare of Widows.

3. The Central Government shall, as soon as may be, after the commencement of this Act and in consultation with the Government of the States, formulate a national policy for the welfare and rehabilitation of neglected, abandoned, destitute and suffering widows of the country for being uniformally implemented throughout the country.

Establishment of Widows Welfare Authority.

4. (*1*) The Central Government shall, by notification in the Official Gazette, establish a Widows Welfare Authority with its headquarters at Madhepur in the State of Bihar.

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

(*3*) The Authority may establish its branches in the States and Union territories in such manner as may be prescribed.

(*4*) The Authority may appoint such number of officers and employees as may be necessary for the efficient functioning of the Authority and carrying out the purposes of this Act with such terms and conditions of service and in such manner as may be prescribed.

Composition of the Authority.

5. *(1)* The Authority shall consist of,—

(a) the Union Minister of Social Justice and Empowerment, Chairperson, *ex-officio;*

(b) a Vice-Chairperson preferably a widow to be appointed by the Central Government.

(c) three women Members of Parliament of whom two shall be from the Lok Sabha and one from the Rajya Sabha to be nominated by the respective presiding officers of each House;

(d) two members representing the Department of Women and Child Development of the Union Ministry of Human Resource Development to be appointed by the Central Government;

(e) not more than four members to be appointed by the Central Government in consultation with the Governments of the States by rotation in alphabetical order to represent the Governments of the States;

(f) two members to be appointed by the Central Government from amongst the non-Governmental Organizations working for the welfare of the widows.

(2) The term of office of the Vice-Chairperson and every other member shall be four years.

(3) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings including the quorum, as may be prescribed.

Functions of the Authority.

6. *(1)* The Authority shall promote and provide, by such measures, as it may think fit, the appropriate rehabilitation and welfare of destitute, neglected and suffering widows with or without dependent children.

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

(a) maintain district, block and village-wise register of widows in such categories as may be prescribed;

(b) collect and get verified the antecedents of every widow for the purpose of giving subsistence allowance and other facilities under this Act;

(c) give wide publicity through the print and electronic media about the welfare measures being taken by the Authority;

(d) take such other measures as it may deem necessary for carrying out the purposes of this Act.

Subsistence allowance for the widows.

7. A widow,—

(i) who is destitute and neglected; or

(ii) who is suffering; or

(iii) who has no son; or

(iv) who has a son but the son has not attained the age of twenty-one years or has attained the age of twenty-one years but is in capable of earning his livelihood due to his physical or mental disability or who has remained unemployed despite his best efforts shall be eligible for subsistence allowance of an amount not exceeding two thousand rupees per month from the Authority and the Authority shall pay the subsistence allowance to such widows registered under this Act on an application prescribed for the purpose.

Other facilities to the widows.

8. The Authority shall provide to the neglected and suffering widows registered under this Act the following facilities, namely:—

(*a*) residential or hostel accommodation free of cost to every widow having no such accommodation;

(*b*) free education including vocational and technical education to dependent children of such widows;

(*c*) gainful employment as per their calibre, qualifications and abilities;

(*d*) free vocational education and training wherever necessary;

(*e*) such financial assistance or facilities as may be necessary for the rehabilitation, welfare, development and maintaining a respectable life in the society:

Provided that if a widow covered under this Act gets gainful employment or re-marries the facilities provided to her under this Act shall be withdrawn from the date she gets employment or remarries, as the case may be.

Widows Welfare Fund.

9. *(1)* The Central Government shall by notification constitute a Fund to be known as the Widows Welfare Fund for carrying out the purposes of this Act.

(2) The Fund shall consists of contributions from the Central Government, State Governments, institutions, organisations, body corporate both public and private in such ratio as may be prescribed.

Annual Report.

10. The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Rights of widows.

11. *(1)* Notwithstanding anything contained in any other law for the time being in force, a widow shall have the following rights, namely:—

(*a)* right to reside with her in-laws;

(b) right to reside in the property acquired or leased or rented by her son or sons;

(c) right to adequate health care and maintenance allowance for a decent life from her son or sons.

(2) In case a widow is forced to reside separately by her major son or sons she shall be entitled to such amount of maintenance allowance from her son or sons every month as may be precribed.

(3) The amount of maintenance allowance payable under sub-section (2) shall be determined after taking into account the son's income, standard of living, any immovable property and the standard of living which the widow enjoyed before the husband's death.

Appropriate Government to enforce the rights of the widows.

12. It shall be the duty of the appropriate Government to enforce the provisions contained in section 11 of this Act.

Penalty.

13. Whoever contravenes the provisions of section 11 shall be punishable with imprisonment for a term which shall not be less than two years but may extend to five years and also with fine which may extend to one lakh rupees.

Central Government to provide funds.

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

Act to have overriding effect.

15. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provision 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.

16. (*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

In our country there are more than three crore widows and more than fifty per cent of them are old widows. Majority of the widows belong to lower and middle-income groups who become destitute after the death of their husbands. Quite a large number of old widows can be seen languishing in the *Bhajan ashrams* of Mathura, Vrindavan, Patna, Bodh Gaya and Varanasi chanting *bhajans* and leading miserable life. After the death of their husbands most of the widows, particularly those whose husbands were not Government servants or affluent ones, do not have enough means to support them. The situation becomes more precarious if they have dependent children to support. In order to survive, they work in the households and do all sorts of other works but many of them are unable to even work because of infirmity due to old age, illness and mental disorder or physical deformity. Such widows have no alternative but to beg for survival. Many young widows, when disowned by their inlaws are forced into prostitution by unscrupulous elements. The position is more disgraceful in rural and semi-urban areas where they are seen as bad women and are ignored on wedding and other auspicious occasions. Because of illiteracy and helplessness they remain an exploited lot.

The widows are also a part and parcel of our society and in a welfare state like ours it is the duty of the State to rehabilitate the needy, neglected and suffering widows and implement welfare measures for hapless widows by preparing a National Policy for their welfare and rehabilitation. This can be done by establishing and independent Authority which will exclusively look after the needy, neglected and suffering widows so that they are not forced into begging or prostitution. Instead, they should live a happy and respectable life in the society with their dependent children.

Hence this Bill.

NEW DELHI;
November 13, 2015.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Widows Welfare Authority. Clause 7 provides for payment of subsistence allowance. Clause 8 provide for other facilities to the widows. Clause 9 provides for the Constitution of Widows Welfare Fund for the purposes of the Act. Clause 14 provides for the Central Government to provide adequate funds to the Authority. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A Non-recurring expenditure of rupees five thousand crore may also involves.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 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 details only the delegation of legislative power is of normal character.

BILL NO. 263 OF 2015

A Bill to provide for the maintenance, financial and other requisite support, withdrawal from begging, chanting of bhajan *as profession and flesh trade, freedom from exploitation and for the welfare measures to be undertaken by the State for the distressed, neglected, indigent, poverty or infirmity stricken widows and divorced women irrespective of their caste, creed or religion and for matters connected therewith and 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. (*1*) This Act may be called the Distressed and Neglected Widows and Divorced Women (Maintenance, Support and Welfare) 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.

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*) ''Authority'' means the National Welfare Authority for the Distressed Widows and Divorced Women established under section 3;

(*c*) ''distressed'' in relation to a widow or divorced women means who is stricken with poverty, without any means of livelihood and house to live with or without her minor dependent children or who is infirm due to old age, physical deformity, disease, mental imbalance and who is not looked after by any of her relatives;

(*d*) ''neglected'' in relation to a,—

(*i*) widow means who has been abandoned under any prevailing custom or otherwise by her family or relatives and is not given the due care and attention by her near and dear ones and left to fend for herself; and

(*ii*) divorced women means who has been disowned by her in-laws as well as parental relatives and left to fend for herself;

(*e*) ''prescribed'' means prescribed by rules made under this Act; and

(*f*) ''widow'' means a legally married woman and whose husband has died.

Establishment of the National Welfare Authority for the Distressed Widows and Divorced Women.

3. *(1)* The Central Government shall, as soon as may be, but not later than six months of the commencement of this Act, by notification in the Official Gazette, establish an Authority to be known as the National Welfare Authority for the Distressed Widows and Divorced Women for carrying out the purposes of this Act.

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

(3) The headquarter of the Authority shall be at Lucknow in the State of Uttar Pradesh.

(4) The Authority shall establish its branches in all the States and Union territories at conspicuous places in the country.

(5) The Authority shall consist of,—

(a) the Minister-in-charge of the Union Ministry of Women and Child Development, Chairperson, *ex-officio*;

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

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

(d) three members representing the Union Ministries of Social Justice and Empowerment, Finance and Human Resource Development, respectively;

(e) not more than four members to be nominated by the Governments of the States, by rotation in alphabetical order to represent the Governments of the States; and

(f) three members to be appointed by the Central Government from amongst the recognised non-Governmental Organisations working for the welfare of distressed and neglected widows and divorced women covered under this Act.

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

(7) The Authority shall follow such procedure for holding its meetings and the quorum for such meeting shall be such as may be prescribed.

(8) The Authority shall have a Secretariat with such number of officers and members of the staff with such terms and conditions of service and salary, allowances and other facilities as may be prescribed from time to time.

Functions of the Authority.

4. (*1*) The Authority shall promote and implement such protective and welfare measures as it thinks fit, expedient or appropriate for the distressed and neglected widows and divorced women irrespective of their caste, creed or religion who are in need or make request for such protective and welfare measures to the Authority and who are covered under this Act.

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

(*a*) invite applications by giving wide publicity throught the electronic and print media and hoardings and posters, from the distressed and neglected widows and divorced women who require the protective umbrella of the Authority:

Provided that the general public may also provide the information about the distressed and neglected widows and divorced women covered under this Act to the Authority and the Authority shall take cognizance of such information;

(*b*) on the basis of applications so received or informaton given by the general public, the Authority shall register the names and particulars and maintain a district-wise register of the distressed and neglected widows and divorced women covered under this Act with such particulars and details as may be prescribed;

(*c*) work out plans and formulate schemes for the protection, welfare and rehabilitation of the distressed and neglected widows and divorced women covered under this Act;

(*d*) formulate, rehabilitation measures and other protective measures in particular for the *bhajan* chanting widows of Mathura, Vrindavan and other religious places;

(*e*) establish adequate number of hostel accommodations for board, lodging and make provision of necessary facilities therein for the needy widows and divorced women covered under this Act; and

(*f*) take such other measures not inconsistent with the provisions of this Act, as the Authority may deem necessary for the protection and welfare of the distressed and neglected widows and divorced women covered under this Act.

Financial assistance and other facilities.

5. *(1)* The appropriate Government shall, on the recommendation of the Authority or of its own, provide the distressed neglected widows and divorced women registered under this Act, the following faclities, namely:—

(a) monthly subsistence allowance of rupees three thousand in case she is having any dependent child or rupees two thousand if she is alone;

(b) hostel accommodation free of cost wherever necessary;

(c) free education if, she is illiterate;

(d) free education including higher education, technical and medical education to their children;

(e) free medicare;

(f) gainful employment;

(g) free vocational training wherever necessary;

(h) such other facilities, as may be necessary for her rehabilitation, development and maintaing a respectable life in the society:

Provided that if any distressed and neglected widow or the divorced women covered under this Act either gets gainful employment or remarries, all the facilities provided to her and her children in accordance with the provisions of this Act shall be withdrawn from the date she gets the gainful employment or remarriage, as the case may be.

(2) It shall be the duty of the Authority as well as of the appropriate Government to extend or get extended the vocational training and in particular for stitching, weaving embroidery, handicrafts paintings, doll making, producing papad and namkeens, sweets, pickles and other household items to the widows and divorced women covered under this Act as per their calibre and extend necessary financial and other assistance to them for their self employment after their training.

Annual Report.

6. The Authority shall submit an Annual Report in such form and in such manner, as may be prescribed of its activities and the protective and welfare measures undertaken for the purposes of this Act to the President of India who shall cause the Report to be laid before both the Houses of Parliament alongwith the action taken by the Central Government thereon as soon as it is recieved.

Central Government to provide requisite funds.

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

Power of remove difficulty.

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

Act to have overriding effect.

9. 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.

Act to supplement other laws.

10. 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 within this Act.

Power to make rules.

11. (*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 session and if before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in 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 nation is very vast and second most populous nation of the globe with different religious, cultures, customs and languages. Nearly half of our population is composed of women and therefore, it is natural that there is a very large number of widows in our country. Quite a large number of such widows and divorced women are from lower and middle income groups or classes of our society. Those who are illiterate and confined to thier households alone become distressed and forced by the circumstances to live uncared in the society. Many of the widows are neglected by their families and even thrown out of the households by their in-laws and they are not welcomed in their parental homes too for various reasons. In some cases, due to custom or because of personal law, the women are divorced very easily and thrown out of the households. Since most much widows and divorced women have no means to support themselves and their dependent children, they work as house maids for survival but even this is not possible for the infirm, old, physically handicapped or mentally ill and they have to subsist on begging. Many who are young are forced into flesh trade to avoid starvation which inturn makes their lives more disgraceful. Ours is a democratic country and a welfare state and hence, it is the primary duty of the State to provide protective umbrella to the distressed and neglected widows and divorced women by removing the exploitation of the such women and provide financial assistance, shelter, medicare, education and other necessary facilities to such women so that they too lead a respectable life in the society with their dependent children. To ensure this protective umbrella, an authority should be established so that all such unfortunate and hapless, widows and divorced women are protected from all kinds of exploitation in the society.

Hence, this Bill.

NEW DELHI;
November 13, 2015.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Welfare Authority for the Distressed Widows and Divorced Women. Clause 5 provides for financial assistance and other facilities for the widows and divorced women. Clause 7 make it obligatory for the Central Government to provide requisite funds to the Authority and Governments of the States and Union Territories for carrying out the purposes of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. Though it is not possible to quantify the amount at this juncture it is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

A non recurring expenditure to the tune of rupees twenty thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of this 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, therefore, of a normal character.

BILL NO. 298 OF 2015

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

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 Prevention of Cruelty to Animals (Amendment) Act, 2015.

(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 28.

2. For section 28 of the Prevention of Cruelty to Animals Act, 1960, the following section shall be substituted, namely,—

Provisions as to sacrificial killing of animals during religious occasions.

"28. (*1*) The Central Government shall, in consultation with State Governments, within a period of one year from the coming into force of the Prevention of Cruelty to Animals (Amendment) Act, 2015, notify the religious occasions on which it is customary to sacrifice animals.

(*2*) Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community on any religious occasion notified under sub-section (*1*).

(*3*) During religious occasions notified under sub-section (*1*), every act of killing of an animal for sacrificial purposes under sub-section (*2*), shall be carried out in isolation where it is not within the view of other sacrificial animals.

(*4*) Every act of killing of an animal for sacrificial purposes during a religious occasion shall be carried out by trained persons and using such methods, as may be prescribed by the Central Government, to ensure minimum pain and trauma to the sacrificial animal."

STATEMENT OF OBJECTS AND REASONS

Animal sacrifice is a very common ritual that exists in many religious communities. The reason cited to justify it is to seek divine favor, both individual such as good health and fortune; and collective such as rain and good harvest. Since, these rituals have continued for centuries, it is difficult to question the relevance of such rituals. However, the manner in which animal sacrifices are carried out has often been criticized for being too cruel.

One major concern in brutality of animal sacrifice lies in the methods used for killing animals. Often the weapon used for animal sacrifice is not appropriate for the purpose. Moreover, animals sacrifice is usually carried out by untrained persons. As a result, animals are not only injured during sacrifice but are then left to die, thus prolonging their suffering.

Another disturbing aspect of animal sacrifice is that often animals are sacrificed in full view of other sacrificial animals. This causes severe mental trauma to animals awaiting sacrifice.

In order to address the above issues and to ensure that minimum trauma is caused to an animal during sacrifice, the Bill seeks to amend the Prevention of Cruelty to Animals Act, 1960 with a view to provide that—

(*i*) Central Government shall, in consultation with the State Governments, notify the religious occasions on which it is customary to sacrifice animal; and

(*ii*) animal sacrifices on religious occasions shall be carried out in isolation and by trained persons and using such methods as may be prescribed to ensure minimum pain and trauma to the sacrificial animal.

Hence this Bill.

NEW DELHI;
November 13, 2015.

BHARTRUHARI MAHTAB

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2(*4*) of the Bill empowers the Central Government to prescribe by rules the methods of animal sacrifice to ensure minimum pain and trauma to the sacrificial animal.

As the rules to be framed relates to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 288 OF 2015

A Bill to provide for prohibition on religious conversions by inducement, coercion or undue influence and for matters connected therewith.

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 Religious Conversion (Prohibition) 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.

Definitions.

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

(a) "coercion" means compelling an individual to act against his will by the use of psychological pressure or physical force causing bodily injury or threat thereof;

(b) "inducement" means offering any gratification or benefit, whether material or otherwise;

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

(d) "undue influence" means the unconscientious use by one person of his power or influence over another in order to persuade the other to act in accordance with the will of the person exercising such influence.

Prohibition of religious conversion on certain grounds.

3. (*1*) No person shall convert or encourage conversion of any individual from one religion to another by inducement or coercion or undue influence.

(*2*) The onus of proof as to whether a religious conversion was not effected through inducement, coercion or undue influence shall lie on the person so converted and, where such conversion has been facilitated by any person, such other person.

Declaration as to conversion.

4. Every individual converting from one religion to another shall submit to such authority as may be prescribed a declaration to the effect that the conversion was not effected through inducement, coercion and undue influence:

Provided that where the prescribed authority is satisfied that there is evidence of inducement, coercion or undue influence, it may cause the matter to be investigated further.

Punishment.

5. (*1*) Whoever contravenes the provision of sub-section (*1*) of section 3 shall be punished with imprisonment for a term, which may extend to five years and also liable to a fine, which may extend to five lakh rupees.

(*2*) Notwithstanding anything in sub-section (*1*), whoever contravenes the provisions of section 3 in respect of any person belonging to the Scheduled Castes or the Scheduled Tribes shall be punished with imprisonment for a term which may extend to seven years and also be liable to a fine which may extend to ten lakh rupees.

Power to remove difficulties.

6. (*1*) If any difficulty arise in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

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.

Act to have overriding effect.

7. 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.

Power to make rules.

8. (*1*) The Central Government may make, by notification in the Official Gazette, 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

The Constitution confers on each individual the fundamental right to profess, practice and propagate his religion. However, the individual right to freedom of conscience and religion cannot be extended to construe a collective right to proselytise; for the right to religious freedom belongs equally to the person converting and the individual sought to be converted.

Still, there have been umpteen cases of religious conversions, both mass and individual. Obviously, such incidents have been hotly debated, more so in a multi-religious society, such as ours. The presence of pseudo-social organizations with a hidden agenda to convert the vulnerable sections of other religions has further vitiated the environment of mutual harmony among different religions. There have been instances when gullible people have been converted by offering inducements or under undue influence. Some have been forced to convert to other religions. Such incidents not only infringe the freedom of religion of the persons so converted but also militate against the secular fabric of our society.

The Bill, therefore, seeks to:—

(i) prohibit religious conversions which are effected through inducement, undue influence or coercion by making it an offence;

(ii) provide greater punishment for such conversion of persons belonging to the Scheduled Castes or the Scheduled Tribes;

(iii) provide that the onus of proof that the conversion was not effected through inducement, coercion or undue influence lies on the person converting them and the person converted; and

(iv) provide that every individual converting from one religion to another shall submit to the prescribed authority a declaration that the conversion was not effected through inducement, coercion and undue influence and such authority can make an inquiry in suspected cases.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 13, 2015.

BHARTRUHARI MAHTAB

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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. 310 OF 2015

A Bill to provide for the constitution of a Special Drinking Water and Irrigation Development Fund for supply of drinking water and developing irrigation facilities in the dark zone 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 and commencement.

1. (*1*) This Act may be called the Special Drinking Water and Irrigation Development Fund (for Dark Zone Areas) Act, 2015.

(*2*) 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*) 'dark zone area' means any district, town, village or tehsil where the groundwater is lower than the average level and has been declared as the dark zone area by the State Government concerned or the Central Government, as the case may be;

(*b*) 'Fund' means the Special Drinking Water and Irrigation Development Fund constituted under section 3; and

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

Special Drinking Water and Irrigation Development Fund.

3. (*1*) The Central Government shall constitute a Fund to be known as the Special Drinking Water and Irrigation Development Fund for the supply of drinking water and development of irrigation facilities in dark zone areas.

(*2*) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, contribute such sums of money, fund as may be necessary, to carry out the purposes of this Act.

State Government/ Union territory Administration to send details of the infrastructure and cost required for the development of drinking water and irrigation facility in dark zone areas.

4. (*1*) A State Government or Union territory Administration, as the case may be, shall forward to the Central Government the details of the required infrastructure and the estimated cost for supply of drinking water and the development of irrigation projects in the dark zone areas falling in their respective territories, in such form and manner, as may be prescribed.

(*2*) The Central Government on receipt of such details, shall release Funds to the State Government or the Union territory Administration, as the case may be, for the development of drinking water and irrigation facilities in the dark zone areas in such manner as may be prescribed.

(*3*) The funds provided under sub-section (2) shall be used for the following purposes in dark zone areas:—

(*i*) expeditious completion of ongoing drinking water and irrigation projects;

(*ii*) construction of small ponds for the use of farmers and others;

(*iii*) digging wells and bore wells;

(*iv*) installing electric pumps for drinking water and irrigation facilities;

(*v*) promoting use of simple and cost-effective techniques and institutional devices as may be prepared or put in place on the basis of local technical skill and materials available for the conservation of water;

(*vi*) renovation of old ponds, wells and water reservoirs;

(*vii*) afforestation along the banks of ponds, canals and water reservoirs;

(*viii*) development of horticulture;

(*ix*) rainwater harvesting in schools, Government buildings and private buildings;

(*x*) conservation of natural drainage;

(*xi*) development of meadows at the panchayat and village level;

(*xii*) construction of canals and check dams; and

(*xiii*) development of barren and desert land.

(*4*) In case any State Government or the Union Territory Administration fails to utilise the funds for the purposes it was released or fails to forward the details under sub-section (1), the Central Government shall withhold release of funds to such State Government or the Union Territory Administration, as the case may be.

Powers to make rules.

5. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions 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

More than one third area of the country is riddled with geological water crisis. In certain parts of India, particularly in north-west India, the groundwater level is declining by four centimeter every year. These States include several areas of Rajasthan, Delhi, Haryana, Punjab and western Uttar Pradesh. Out of total 5,723 blocks in the country as many as 839 blocks have been pushed to the dark zone due to exploitation of groundwater. The condition of 226 blocks is critical whereas 550 blocks is semi-critical. The States of Punjab, Haryana, Rajasthan, Andhra Pradesh and Tamil Nadu are facing severe water crisis. Even the States of Uttar Pradesh, Uttarakhand, West Bengal, Gujarat and Kerala are not exception to this. To look at it State-wise, in Tamil Nadu out of 385 blocks, 33 are in critical zone while 57 blocks are in semi-critical zone. In the State of Andhra Pradesh, out of 219 blocks, as many as 77 and 175 are in critical and semi-critical zones, respectively. In the State of Haryana, out of 113 blocks, 11 blocks are critical while 5 blocks are semi-critical. The State of Punjab is the worst hit where critical zone accounts for 5 blocks and semi-critical zone comprises 4 blocks out of 137 blocks. In the State of Rajasthan, water is not worth harnessing out of 236 blocks, as 164 blocks have been pushed to the excessive harnessing zone and 34 blocks have reached the critical stage. In the year 1984, the level of groundwater in 203 blocks was not alarming but in the year 2015, the number of secured blocks have come down to 30.

The increase in the spread of dark zone areas is largely attributed to excessive harnessing of groundwater. It is expedient and necessary to tap maximum amount of rainwater to tackle such horrific situation.

The water table is continuously declining and is reaching the alarming scale in dark zone area. The State Governments are facing funds crunch to do the needful or even make proper arrangements for drinking water in these areas.

Therefore, there is a need to constitute a Fund for rainwater harvesting, development of irrigation facility and providing safe drinking water to persons residing in the dark zone areas.

Hence this Bill.

NEW DELHI; DEVJI M. PATEL

November 16, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Special Drinking Water and Irrigation Fund for providing requisite funds for making available potable water and water for irrigation purposes in the dark zone areas. Clause 4 provides for the release of funds to the State Governments for making available drinking water and developing of irrigation projects in the dark zone areas. The Bill, therefore, if enacted, will involve recurring annual expenditure of five thousand crore rupees from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 257 OF 2015

A Bill to provide for the establishment of a permanent Bench of the High Court of Bombay at Pune.

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

1. This Act may be called the High Court of Bombay (Establishment of a Permanent Bench at Pune) Act, 2015. Short title.

2. There shall be established a permanent Bench of the High Court of Bombay at Pune and such Judges of the High Court of Bombay, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Pune in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Pune, Ahmednagar, Satara and Sholapur. Establishment of a permanent Bench of High Court of Bombay at Pune.

STATEMENT OF OBJECTS AND REASONS

The High Court of Bombay for the State of Maharashtra is located at Mumbai. Out of the total submitted cases in Bombay High Court, approx. 40%-45% cases belong to Pune City. Maharashtra being a vast State, people have to travel long distance with a lot of inconvenience in order to reach the High Court at Mumbai to pursue their case. This is a time consuming and costly exercise. For long, there has been a demand from the people of the State that a Bench of the High Court be set up at Pune, which is very important city in the State of Maharashtra.

Pune including adjoining rural area and Pimpri Chinchwad is having more than one crore population. The city is also housing thousand of industrial establishments and Government offices. Therefore, establishment of a permanent Bench at Pune will not only reduce unnecessary expenditure from the public exchequer but would also benefit the people from Pune, Ahmednagar, Satara and Sholapur districts.

Hence this Bill.

NEW DELHI;
November 16, 2015.

SHRIRANG APPA BARNE

BILL NO. 332 OF 2015

A Bill further to amend the Forest (Conservation) Act, 1980.

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 Forest (Conservation) Amendment Act, 2015.

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

Amendment of section 2.

69 of 1980

2. In Section 2 of the Forest (Conservation) Act, 1980, after clause (iv), the following proviso shall be added, at the end, namely:—

"Provided that the decision on prior approval shall be given within a period of six months from the date of receipt of request from a State Government or other authority.".

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted with the purpose of protecting the fauna, flora and environment. The Act specifically make prior approval of Central Government for dereservation of forests or use of forest land for non-forest purposes mandatory. But, in practice, it has been seen that whenever any case is referred to the Central Government for permission, the permission is not granted immediately and the Central Government either takes very long time or withholds the permission for no reason. Moreover, being a welfare State, it is a duty of every State Government to undertake welfare schemes for the people but this Act is creating a hindrance in the implementation of developmental works. Therefore, it is necessary to make a provision in the Act that the Central Government shall take decision on prior approval cases within a period of six months from the date of receipt of request from a State Government or other authority. It will go a long way to protect the environment while taking up projects for the welfare of the common man.

Hence this Bill.

NEW DELHI;
November 16, 2015.

SHRIRANG APPA BARNE

BILL NO. 315 OF 2015

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

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 (Scheduled Tribes) Orders (Amendment) Act, 2015.

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

C.O. 22.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX.— *Maharashtra,* for entry 36, the following entry shall be substituted, namely:—

"36. Oraon, Dhangar.".

STATEMENT OF OBJECTS AND REASONS

Article 366(*25*) of the Constitution defines "Scheduled Tribes" as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution''.

In pursuance of article 342 of the Constitution, the first list of the Scheduled Tribes in Maharashtra was notified through the Constitution (Scheduled Tribes) Order, 1950. It has further been modified through the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 1956, the Scheduled Castes and the Scheduled Tribes lists (Modification) Order, 1956, the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 1976, the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991 and the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 2002.

In the Scheduled Castes and the Scheduled Tribes Orders (Amendment) Act, 2002, in respect of the States of Odisha, Bihar and Jharkhand in their respective Scheduled Tribes list, Parliament have added 'Dhangar' as synonymous tribe of Oraon community.

At present, there are forty-seven tribes listed in the list of the Scheduled Tribes in respect of the State of Maharashtra. To fulfil the long standing demand for placing the correct synonymous caste of 'Dhangar' instead of 'Dhangad', it is proposed, on the recommendation of the State Government of Maharashtra, to amend the entry 36 of the Scheduled Tribes Order, 1950, occurring under Part IX, relating to the State of Maharashtra.

Hence this Bill.

NEW DELHI;
*November*14, 2015.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend the Constitution (Scheduled Tribes) Amendment Order, 1976, by amending the list of Scheduled Tribes in respect of the State of Maharashtra.

The Bill, therefore, if enacted, would involve additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits likely to be provided to the welfare of the persons belonging to these tribes. It is estimated that a recurring expenditure of about rupees five hundred crore is likely to be involved per annum.

No non-recurring expenditure is likely to be involved.

BILL NO. 256 OF 2015

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

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

Short title.

1. This Act may be called the Representation of People (Amendment) Act, 2015.

Insertion of new section 61B. Online voting of elections.

2. After section 61A of the Representation of the People Act, 1951, the following section shall be inserted, namely:— 43 of 1951.

''61B. Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, the giving and recording of votes through online voting in such manner as may be prescribed, may be adopted in such constituency or constituencies or from any place as the Election Commission may specify.''.

STATEMENT OF OBJECT AND REASONS

India is one of the largest democracy in the world. About 75 crore population are participating in the election process. The election process of our country has been appreciated by one and all throughout the world. It has been free, fair and transparent. Earlier people used to record their votes in slips and put those slips in ballot boxes which were later transported to the counting centre for counting. The counting process used to take about two days. The Election Commission did very well to introduce electronic coting machine. Now, people have to record their votes in the electronic voting machine and only a few voting machines are required to be carried to the counting centre and counting is finished on the same day it is taken up. With the introduction of electronic voting machine, the irregularities in the voting process has decreased manifold.

Likewise, computers are used in large numbers for many activities like banking, making payment, booking of tickets, etc. The computers can also be used for online voting which would be beneficial in many ways. The voter need not go to polling booth and the percentage of voting would definitely increase as people are scared to come out in open because of possible violence on the polling day. The Election Commission can device a mechanism through which votes can be given and recorded online by the voters.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 16, 2015.

SHRIRANG APPA BARNE

BILL NO. 316 OF 2015

A Bill to provide for the rehabilitation and social security of sex workers 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 Sex Workers (Rehabilitation and Social Security) 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*) 'abuse' includes verbal and physical abuse;

(*b*) 'adult literacy programmes' means programmes aimed at extending educational options, including literacy, basic education, skill development (vocational education) and equivalent, to those adults who have lost the opportunity and have crossed the age of formal education, but now feel a need for learning of any type;

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

(*d*) 'barrier' means any factor, including attitudinal, cultural, economic, institutional, political, religious, social or structural factor which hampers the full and effective participation of sex workers in society;

(*e*) 'Board' means the Central or the State Rehabilitation Board for Sex Workers constituted under section 6;

(*f*) 'child' means a person who has not completed the age of eighteen years;

(*g*) 'counselling centre' means a centre which facilitates an interpersonal, dynamic communication process between a client and a trained counsellor, who is bound by a code of ethics and practice, to resolve personal, social or psychological problems and difficulties and encourages the client to explore important personal issues, identify ways of coping with anxiety and stress and plan for the future;

(*h*) 'discrimination' means any distinction, exclusion or restriction on the basis of identity and expression which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination, including denial of reasonable accommodation;

(*i*) 'higher education' means a course of education which can be pursued after completing twelve years of school education;

(*j*) 'human rights' shall have the meaning assigned to it in clause (d) of section 2 of the Protection of Human Rights Act, 1993;

(*k*) 'institution' means an institution for the reception, care, protection, education, training, rehabilitation or any other service of sex workers;

(*l*) 'public place' means any place intended for use by, or accessible to, the public and includes any public conveyance;

(*m*) 'registered organization' means an association of sex workers, or a voluntary, non-Governmental or charitable organization or trust, society, non-profit company working for sex workers, duly registered by the Central or a State Government;

(*n*) 'rehabilitation' refers to a process aimed at enabling sex workers to attain and maintain maximum independence, full physical, sensory, intellectual, psychiatric, social and vocational ability, inclusion and participation in all aspects of life;

(*o*) 'sex worker' means a female, male, and transgender adult or young person, generally over the age of eighteen years, who receive money or goods in exchange for sexual services, either regularly or occasionally;

(*p*) 'services' means services provided by members of any profession or trade or by any Government, local authority or establishment and includes services relating to banking and finance, education, health, insurance, rehabilitation, entertainment, recreation and hospitality, transport or travel and telecommunications; and

(*q*) 'skill development' means systematic, deliberate and sustained training in order to carry out complex activities or job functions involving ideas, things and/or people in order to enable professional and personal growth.

CHAPTER II

RIGHT TO EQUALITY AND NON-DISCRIMINATION

Right to Equality.

3. (*1*) The appropriate Government shall take all necessary steps to ensure that sex workers enjoy the right to equality, life with dignity and integrity equally with others.

(*2*) The appropriate Government shall take measures to protect sex workers from being subjected to abuse, cruel, inhuman or degrading treatment.

Right to non-discrimination.

4. The sex-workers shall have the right to live in the community without any discrimination and given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living.

Constitution of Rehabilitation Boards.

5. (*1*) The Central Government shall constitute a Board to be known as the Central Rehabilitation Board for sex workers to exercise the powers conferred upon, and to perform the functions assigned to Central Board under this chapter.

(*2*) Every State Government shall constitute a Board to be known as the State Rehabilitation Board for sex workers to exercise the powers conferred upon, and to perform the functions assigned to State Board under this chapter.

(*3*) The Board shall consist of a Chairperson and six other Members.

(*4*) The Chairperson of the Board shall be an eminent person with distinguished record of service in the field of sex worker rights; and

(*5*) The Board shall consist of following Members—

(*i*) a person who is or has been a Judge of a High Court for atleast five years, or has been, a District Judge for at least five years;

(*ii*) a person who is or has been Joint Secretary to the Government of India under the Central Staffing Scheme or any other post under the Central Government carrying a scale of pay which is not less than the Joint Secretary to the Government of India, for atleast three years and has adequate knowledge and experience in dealing with problems and implementation relating to rehabilitation and social security schemes of the Government;

(*iii*) a social worker who has a distinguished record of service in the field of rehabilitation, advocacy and law relating to the rights of sex-workers;

(*iv*) two sex workers who are popularly acknowledged as the representatives of sex workers; and

(v) a person to represent the Health and Family Welfare department of the appropriate Government.

(*6*) The Chairperson and the members of the State Board shall be appointed by the State Government in such manner as may be prescribed.

(*7*) The headquarters of the Board shall be at such place as the appropriate Government, may, by notification, specify.

Rehabilitation

6. *(1)* The Central or the State Board shall undertake or cause to be undertaken, services and programmes of rehabilitation, particularly in the areas of health, education, financial assistance and employment of sex workers.

(2) The Board, while formulating rehabilitation policies, shall consult the registered organizations working for the cause of sex workers.

(3) The Board shall provide provisions for rehabilitation for ailing or aged sex workers, who are unable to support themselves through earnings from commercial sex.

Functions of the Board.

7. The Board shall—

(*a*) inquire *suo moto* or on a complaint by affected sex worker or any person or organization on behalf of a sex worker, with respect to deprivation of their safeguards and rights of sex workers;

(b) identify sex workers who have been newly recruited into brothels;

(c) interacting with the sex workers who wants to leave sex work and deliberate on rehabilitation options; and

(d) implement the rehabilitation plan for sex workers in coordination with the district agencies.

Resignation and Removal of Chairpersons and Members.

8. (*1*) The Chairperson or any Member may, by notice in writing under his hand addressed to the President of India or Governor of the State, as the case may be, resign his office.

(*2*) The Chairperson or any Member may be removed from his office by order of the President of India or the Governor of the State, as the case may be, on the ground of proven misbehaviour or incapacity after holding an inquiry held in accordance with such procedure as may be prescribed by the Central Government.

(*3*) The Chairperson or any Member, shall also be removed from office, if he—

(*a*) is adjudged an insolvent; or

(*b*) engages during his term of office in any paid employment outside the duties of his office; or

(*c*) is convicted and sentenced to imprisonment for an offence which in the opinion of the appropriate Government involves moral turpitude.

Term of office.

9. The Chairperson and Members of the Board shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier and shall be eligible for reappointment for another term of three years.

Member to act as Chairperson in certain circumstances.

10. (*1*) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of the death, resignation or otherwise, the appropriate Government may, by notification authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(*2*) If the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, one of the Member as the appropriate Government may, by notification, authorised in his behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Salary and allowances of Chairperson and Members.

11. (*1*) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and the Members shall be such as may be prescribed by the appropriate Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.

(*2*) Subject to such rules as may be made by the appropriate Government in this behalf, the Rehabilitation Board may appoint such other administrative and technical officers and staff as it may consider necessary.

(*3*) The salaries, allowances and conditions of service of the officers and other staff appointed, shall be such as may be prescribed by the State Government.

Annual Report of Boards.

12. (*1*) The Board shall submit an annual report to the appropriate Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(*2*) The Central Government shall cause the annual and special reports of the Board to be laid before each House of the Parliament along with a memorandum of action taken or proposed to be taken on the recommendations by the Central Government.

(*3*) The State Government shall cause the annual and special reports of the Board to be laid before each House of the State Legislature, where it consists of two Houses, or where such a Legislature consist one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendations by the State Government.

CHAPTER IV

QUALITY HEALTHCARE

Healthcare.

13. The Board shall take necessary measures to ensure that quality healthcare is provided to the sex workers and their children by ensuring—

(*a*) separate clinics which offer free medical aid/medication for Human Immunodeficiency Virus infection (HIV), Sexually Transmitted Infections (STIs) and other life-threatening diseases caused because of their profession;

(*b*) Integrated Counselling and testing Centres for HIV and anti-retroviral treatment; and

(*c*) Barrier-free access in the hospitals and other healthcare institutions and centres.

Comprehensive Health Insurance scheme.

14. To fulfil its obligations under this Chapter, the Board shall make schemes and programmes with participation and involvement of sex workers and registered organizations that *inter-alia* makes provisions for coverage of medical expenses and therapeutic intervention by a comprehensive health insurance scheme.

CHAPTER V

ACCESS TO JUSTICE

Access to Justice.

15. (*1*) The Board shall ensure that sex workers are able to exercise the right to access at any court, tribunal, authority, or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of their profession.

(*2*) The Board shall provide free social and legal aid to sex-workers in distress.

CHAPTER VI

COMPREHENSIVE EDUCATION PROGRAMME

Education for sex workers.

16. (*1*) The Board shall ensure that all educational institutions funded or recognized by them, provide quality education, and *inter-alia*—

(*a*) admit sex-workers without discrimination and provide them education as also opportunities for sports, recreation and leisure activities on an equal basis with others;

(*b*) provide necessary support in environments that maximize academic and social development, consistent with the goal of full inclusion;

(*c*) monitor participation, progress in terms of attainment levels and completion of education, in respect of every sex-worker.

(*2*) The appropriate Government, in consultation with the Board and local authorities shall ensure participation of sex workers in adult education and continuing education programmes on an equal basis with others.

Education for children of sex workers.

17. (*1*) The Board shall ensure a comprehensive educational programme for the children of sex-workers who face gross discrimination and abuse alike to their mothers.

(*2*) The educational programme shall cover children of different ages and learning needs through the following components:

(*i*) pre-school care;

(*ii*) academic support for junior school going children;

(*iii*) educational centres for school dropouts;

(*iv*) special coaching classes for senior school children;

(*v*) vocational training for teenage children; and

(*vi*) higher education for children completing senior secondary education.

CHAPTER VII

SKILL DEVELOPMENT AND VOCATIONAL TRAINING

Skill development and vocational training.

18. The Board shall formulate schemes and programmes, especially for vocational training and self-employment of sex workers, at concessional rates to facilitate and support employment of sex workers.

CHAPTER VIII

FINANCIAL SECURITY

Financial Security to sex workers.

19. The Board shall ensure financial security of sex workers as well as their children—

(*a*) by introducing micro-credit programmes to enable sex workers to save in daily collection, monthly income or fixed deposit schemes; and

(*b*) by making available loans to sex workers at low interest rates with easy repayment options.

CHAPTER IX

OFFENCES AND PENALTIES

Offences and penalties.

20. (*1*) Whoever exploits the sex workers for commercial gain shall be punished with imprisonment which may extend to three years and fine which may extend to twenty-five thousand rupees and in case of subsequent offence of exploitation with further fine which may extend to rupees one thousand for each day of continued exploitation after the date of original order imposing punishment or fine.

(*2*) Whoever voluntarily or knowingly commits or abets the offender by words, either spoken or written, action, or by signs or by visible representations or otherwise, shall be punished with imprisonment for a term which may extend to one year and with fine.

CHAPTER X

MISCELLANEOUS

Power to make rules.

21. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House, before that House.

(*3*) 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 of both the Houses agree that the rule should not be made, the rules 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 sex workers in India face a lot of abuse on a daily basis. Though there is the Immoral Traffic (Prevention) Act, 1956 to combat trafficking and sexual exploitation for commercial purposes, this law only lays down offences for commercial prostitution and does not mention any welfare measures for the prostitutes and their children. In India, prostitution is not an offence, rather practicing it in a brothel or within 200 meters of any public place is illegal. In such a scenario, it is important to formulate a new law which provides for the welfare of the sex-workers and their families in the aspects of healthcare, education, shelter and skill training.

Sex-workers wish to be integrated in society and hold rights and responsibilities, like any other citizen. This requires efforts to assimilate rather than allienate sex-workers from the wider community. Detention in corrective institutions or protective homes worsens estrangement of sex-workers, erodes social ties and weakens the realization of genuine rehabilitation.

This view has been endorsed by the Supreme Court in the case of Budhadev Karmaskar Vs. Government of West Bengal. In this case, the court recognized the need to ensure that sex-workers are able to live a life of dignity under Article 21 of the Constitution of India since they are also human beings and their problems also need to be addressed. The Court further noted a sex-worker is compelled to indulge in prostitution not for pleasure but because of abject poverty. If they are granted opportunity to avail some technical or vocational training, they would be able to earn their livelihood by such vocational training and skills instead of by selling their bodies.

The Court set up a panel to discuss "conditions conducive for sex-workers to live with dignity in accordance with the provisions of article 21 of the Constitution". It also suggested that free legal services be provided to sex-workers through the State Legal Services Authorities. Thus, this Bill proposes to implement the aforesaid order of the honourable Supreme Court.

The salient features of the Sex Workers (Rehabilitation and Social Security) Bill, 2015, *inter-alia* are—

- The sex-workers shall not be discriminated against in any field.
- Quality healthcare shall be provided to the sex-workers and their children in form of free medical aid/medication for HIV and other life threatening disesases which are caused because of the trade.
- Free social and legal aid shall be provided to sex-workers in distress.
- The State shall set up institutes to facilitate adult literacy programmes.
- A comprehensive educational programme is proposed to be set up for the children of sex-workers who face gross discrimination and abuse alike to their parent(s).
- There shall be provisions for rehabilitation for ailing and/or aged sex-workers, who are unable to support themselves through earnings from commercial sex. This age bracket of sex-workers desperately seek income and social security, as many of them have no family or savings to fall back on in their old age.
- The sex-workers shall be given training and vocational education to enhance their skills and make them employable.

- The Government shall provide financial security to the sex workers by initiating special loan programmes for them.

Hence this Bill.

NEW DELHI;
November 16, 2015.

POONAM MAHAJAN

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for constitution of the Central and State Boards for Rehabilitation of sex workers. Clause 6 provides that Board shall take certain rehabilitation measures for sex workers. Clause 7 provides that the Board shall take appropriate measures for identification of newly joined in profession of sex workers, implementation of rehabilitation plans in co-ordination of district agencies. Clause 11 provides for salary and allowances of the Chairperson and Members of the Board and officers and staff of the Board. Clause 13 provides for providing of quality healthcare to sex workers and their children. Clause 15 provides that Board shall take steps to free social and legal aid to sex workers in distress. Clause 16 provides for educational and other facilities for sex workers. Clause 17 provides for educational facilities for children of sex workers. Clause 18 provides for vocational training to sex workers. Clause 19 provides for extending of financial security to sex workers and their children.

The expenditure relating to States Boards constituted in the States shall be borne out of the Consolidated Fund 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 of about rupees Five Hundred Crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees One Hundred Crore is also likely to be involved.

———

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the appropriate 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. 304 OF 2015

A Bill to provide for the socio-economic protection and welfare of the traditional fishermen in the country by establishing a Welfare Fund for their benefit and for providing adequate life insurance cover against accidents, medical care, financial assistance for fishing nets, boats and other necessities, unemployment allowance during lean periods, free education including vocational education and training to their children 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 Traditional Fishermen (Socio-Economic Protection and Welfare) 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.

Definitions.

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

(*a*) "accident" means an accident caused during the course of fishing including drowning;

(*b*) "administrator" means an administrator appointed under section 5;

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

(*d*) "fisherman" means a person who earns his livelihood by catching fish from the fisheries and whose only source of income is the money he earns from selling such fish;

(*e*) "partial disablement" means such disablement which has reduced the working capacity of a fisherman temporarily which he was capable of having before the accident;

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

(*g*) "total disablement" includes any disablement which incapacitates a fisherman for all work which he was capable of performing prior to the accident; and

(*h*) "Welfare Fund" means the Traditional Fishermen Welfare Fund established under section 4.

Long term National Policy for the welfare of traditional fishermen.

3. The Central Government shall, as soon as may be, but within one year from the commencement of this Act, formulate, in consultation with the Government of the States having substantial population of fishermen, a long term national policy for the welfare of traditional fishermen and their families and protect their fishing rights and interests against the onslaught of big fishing companies including the multinationals.

Establishment of Traditional Fishermen Welfare Fund.

4. (*1*) The Central Government shall, by notification in the Official Gazette, establish a Traditional Fishermen Welfare Fund for the purpose of this Act.

(*2*) The initial corpus fund of the Welfare Fund shall be two thousand crore rupees which shall be provided by the Central Government after due appropriation made by Parliament by law in this behalf.

(*3*) After the establishment of the Fund, money to the Fund shall be provided by the Central and the concerned State Governments in such proportion as may be agreed to from year to year and the money received by way of donations from individuals, body corporates, financial and other institutions shall also form the corpus money of the Fund.

(*4*) The Fund shall be administered by the Central Government in such manner as may be prescribed.

Appointment of Administrators.

5. The Central Government shall, by notification in the Official Gazette, appoint such number of Administrators who shall entertain the claims for payment of compensation and other facilities under this Act.

Utilisation of the Fund.

6. The Fund established under this Act shall be utilised for,—

(*a*) life insurance cover to the traditional fishermen and their families;

(*b*) free medical care to the traditional fishermen and their family members;

(*c*) financial assistance to the traditional fishermen for the purchase and repair of fishing nets, boats and other equipments required for fishing;

(*d*) unemployment allowance during illness or financial crisis during lean periods;

(*e*) free education including technical and vocational education to the children of traditional fishermen; and

(*f*) such other purposes as may be prescribed.

Fixation of compensation and payment thereof.

7. (*1*) Subject to the provisions of this Act, the amount of compensation payable to a traditional fisherman sustaining injury resulting in his death or partial or total disablement or in case of his drowning or sweeping away by the water currents or in his disappearance in a storm or cyclone or tsunami, shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette.

(*2*) In case of death of a traditional fisherman, the compensation fixed under sub-section (*1*) shall be paid to the spouse of the deceased or to his legal heir or to the children, as the case may be, and in case the deceased being unmarried the compensation shall be paid to his parents.

(*3*) Every claimant for payment of compensation under this Act shall apply to the Administrator in prescribed format giving details as may be prescribed.

(*4*) Every claim for compensation under this Act shall be finalized by the Administrator and payment shall be made within thirty days of the claim.

Miscellaneous provisions.

8. The appropriate Government shall,—

(*a*) establish adequate number of schools and vocational training institutes and healthcare centres in and around the areas inhabitated by traditional fishermen for their benefit including their families and children;

(*b*) provide adequate and hygienic marketing facilities to the fishermen for their catch;

(c) provide subsidy on kerosene and petrol;

(*d*) protect the fishing rights and interests of the traditional fishermen by preventing national and multinational companies from fishing in the fisheries within the jurisdiction of traditional fishermen as may be determined by the Central Government from time to time;

(*e*) through the Coast Guard and Navy, prevent the trespassing by fishermen of other countries into the fisheries of Indian waters;

(*f*) take up issue with neighbouring countries through diplomatic channels whenever the Indian fishermen are detained with their boats and nets by such countries so as to ensure their timely release; and

(*g*) take such other measures as it may deem necessary for the protection and welfare of traditional fishermen.

Application of other laws not barred.

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

Central Government to provide requisite funds.

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

Power to make rules.

11. (*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 are millions of traditional fishermen and their families spread over thousand of kilometers of coast line of our country. Their main occupation and means of livelihood is catching fish and selling it in the market and they are doing this for generations. However, the fishermen and their families live in abject poverty nearly hand to mouth whereas the middlemen, wholesalers and retail traders of fish flourish at their cost as the sea food is becoming popular not only in the country but worldwide. Sea products are very much in demand but the status of traditional fishermen has remained the same. Many of the fishermen are carried away by water currents particularly during storms, cyclones and tsunami, etc. and lose their lives. Similarly, they get drowned while fishing or receive injuries leading to partial or total disablement. But there is nobody to look after them except their hapless poor families. In fact, the disablement or death of a fisherman ruins his family who remain at the mercy of fate alone.

Since the poor fishermen are part and parcel of our society and ours being a welfare State, it is necessary that the fisherman too are provided with adequate insurance cover against accidents, healthcare, financial assistance in case of need, educational, vocational facilities for their children, etc. They should also get subsidy on kerosene and petrol and cold storage and marketing facilities for their catch. They are also needed to be protected from the onslaught of big national and multinational companies. Often fishermen from neighbouring countries trespass into Indian waters for illegal fishing which needs to be stopped. Traditional fishermen of our country are, therefore, required to be given maximum security and facilities.

Hence this Bill.

NEW DELHI;
November 16 , 2015.

VINAYAK BHAURAO RAUT

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Traditional Fishermen Welfare Fund. Clause 5 provides for the appointment of Administrators. Clause 10 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Bill No. 277 of 2015

A Bill to provide for the protection and welfare of widows 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 called the Widows' Welfare Act, 2015.

(*2*) It extends to the whole of India.

Definitions.

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

(*i*) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*ii*) 'prescribed' means prescribed by rules made under the Act; and

(*iii*) 'widow' means any legally married woman whose husband has expired and who has not remarried and has no source of income or livelihood.

Widows's. Welfare Fund.

3. (*1*) The Central Government shall constitute a Fund to be known as the Widows' Welfare Fund.

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

(*3*) The Fund shall also consist of contributions made by voluntary organizations and donations or contributions received from other organizations or individuals.

(*4*) The Fund shall be managed by a Board consisting of—

(*i*) The Union Minister of Social Justice and Empowerment who shall be its *ex-officio* Chairperson;

(*ii*) one representative of the Union Ministry of Finance;

(*iii*) one representative of every State Government;

(*iv*) one representative of the voluntary organizations working in the field of widows' welfare to be appointed by the appropriate Government; and

(*v*) the Secretary of the Union Ministry of Social Justice and Empowerment, shall be the *ex-officio* Secretary to the Board.

Formulation of scheme for the protection and welfare of widows.

4. (*1*) The Central Government shall formulate a scheme for the protection and welfare of widows.

(*2*) The scheme shall provide for—

(i) payment of monthly subsistence allowance to every widow;

(ii) free health care facilities to the widows and their dependents;

(iii) free educational facilities for the dependent/minor children of widows;

(iv) setting up of widows' homes in every district;

(v) insurance facility for widows;

(*vi)* financial assistance for marriage of children of the widows;

(vii) loan facilities for self-employment of widows; and

(viii) any other matter deemed necessary or expedient by the appropriate Government.

Implementation of widows welfare scheme.

5. *(1)* The appropriate Government shall implement the scheme formulated under section 4 of this Act.

(*2*) The expenditure for implementation of the scheme shall be met out of the Widows' Welfare Fund constituted under section 3.

Provision for suitable employment for widows.

6. The Central Government shall make provision for suitable employment to every widow as per her qualifications and experience in services under the Central Government.

Maintenance of a register for widows.

7. The appropriate Government shall maintain a register of widows, in such form and manner, as may be prescribed.

Power to make rules.

8. (*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 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.

STATEMENT OF OBJECTS AND REASONS

The condition of widows in the country is very pathetic. There is no scheme for their protection and welfare. They are left to fend for themselves and nobody takes care of them. They die of hunger and diseases.

Majority of the widows do not have any source of income. Even their children do not take care of them.

In these circumstances, it is the responsibility of the State to come forward to undertake welfare schemes for widows. It is, therefore, proposed in the Bill to set up a Widows' Welfare Fund for their protection and welfare.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 17, 2015.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Widows' Welfare Fund. The Central Government has to contribute to the Fund. Clause 4 provides for payment of monthly subsistence allowance, free health care and other facilities to be provided to the widows. Clause 5 provides that the appropriate Government shall implement welfare scheme for the widows. Clause 6 provides that the Central Government shall make provision for suitable employment for widows. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees three thousand crore will be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the 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. 283 of 2015

A Bill to provide for timely completion of all mega projects 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 Mega Projects (Timely Completion) Act, 2015. 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. In this Act, unless the context otherwise requires,— Definitions.

(*i*) 'mega project' means and includes any project which has been undertaken by the Central Government either on its own or as a joint venture with any State Government or a Corporation or a Company or a private limited company for

setting up of any industry or construction of any dam, irrigation scheme or roads or any communication facility or power project or any other developmental scheme for the welfare of the public in any part of the country or where the major share of the expenses on the project is borne by the Central Government and where the cost of project exceeds fifty crore rupees; and

(*ii*) 'prescribed' means prescribed by rules made under the Act.

Preparation of list of pending mega projects.

3. The Central Government shall prepare a list of mega projects pending with all Ministries and departments of the Central Government including public sector undertakings under its control.

Constitution of a Committee to be known as the Project Monitoring Committee.

4. (*1*) The Central Government shall constitute a Committee to be known as the Project Monitoring Committee (hereinafter referred to as the Committee) to monitor the progress of implementation and completion of mega projects.

(*2*) The Project Monitoring Committee shall consist of the following:—

(*i*) the Deputy Chairman, Planning Commission who shall be the Convener of the Committee;

(*ii*) Secretaries of the Central Ministries of Finance, Heavy Industries and Public Enterprises, Road Transport and Highways, Shipping, Civil Aviation, Power and Agriculture;

(*iii*) any other Minister or Secretary of the Central Government or of a State Government who may be invited by the Convener of the Committee to attend the sittings of the Committee;

(*iv*) Members, as may be deemed necessary, to be nominated by the Central Government from amongst the persons who are experts in the fields of Agriculture, Power, Water Resources, Industry, Civil Aviation, Transport and Shipping.

Review of the progress of the implementation of the mega projects in the country.

5. The Committee shall review the progress of the implementation of all the mega projects and fix a target date for completion of each of such projects.

Meeting of the Committee.

6. The Committee shall meet once in a month and review the progress of the work of the pending mega projects.

Central Government to provide fund for completion of the mega project.

7. The Central Government shall, on the basis of the recommendation of the Committee, release necessary funds for completion of a mega project.

Timely completion of mega projects.

8. The Central Government shall ensure timely completion of all mega projects within the time schedule fixed by the Committee:

Provided that if any mega project is not completed within the time schedule, due to any reason beyond the control of the Central Government, the Central Government shall record the reasons therefor.

Fixing responsibility for delay in completion of mega project.

9. If any project is not completed within the time schedule, except for the reasons beyond control, the officer-in-charge of the mega project shall be held responsible for the delay and shall be subject to such disciplinary action as the Central Government may think fit:

Provided that in case the delay in the completion of the project has occurred on account of lapse on the part of any private company, in the first instance, it shall be punishable with a fine which may extend to rupees ten lakh and in the second instance, its licence shall be cancelled.

Central Government to lay report on action taken in the House.

10. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government and the reasons for non-implementation, if any, of any of such recommendations of the Committee to be laid as soon as may be after the reports are received, before each House of Parliament.

Power to make rules.

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

Development is the buzzword today in emerging India, even as the country resolves to build an economically stronger, more efficient set up which is devoid of bureaucratic delays.

Mega projects popularly known as infrastructure projects are started with much pomp and show. But they are hardly completed in time. The estimated cost of projects always overrun for the simple reason that the projects are not completed within the target date. In many cases, the escalation in cost of projects result in manifold expenditure and loss to the public exchequer. Time and cost overruns in projects in the environment of uncertainties, inadequate funding, delay in land acquisition, law and order problems, general escalation in costs, etc. are required to be eliminated altogether.

At present, there is no mechanism to supervise the progress of the completion of mega projects. Moreover, for many projects necessary funds are not released by the Central Government. As a result, the projects are held up.

Therefore, in order to ensure timely completion of all projects, it is proposed to provide a mechanism at the bureaucratic level and also accountability of the executive to the legislature.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 17, 2015.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for the setting up of a Committee to monitor the progress of implementation and timely completion of mega projects. Most of the members in the Committee will be Government functionaries, but a few experts in the fields of agriculture, power, etc. are to be associated with the Committee. Clause 7 provides for release of necessary funds by the Central Government for completion of all mega projects. 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 forty thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees seventy thousand crore will 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. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 285 OF 2015

A Bill to provide for the establishment of an Atomic Authority for the purposes of setting up an atomic power plant for generating electricity in the State of Jharkhand and for matters connected therewith.

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

Short title.

1. This Act may be called the Jharkhand Atomic Authority Act, 2015.

Establishment of Jharkhand Atomic Authority.

2. The Central Government shall establish an Authority to be called the Jharkhand Atomic Authority in the State of Jharkhand.

Composition of the Authority.

3. (*1*) The Authority shall consist of the following members, namely:—

(*a*) the Prime Minister of India, who shall be the *ex-officio* Chairperson of the Authority;

(*b*) the Chief Minister of the State of Jharkhand or in his absence the Governor of the State of Jharkhand, who shall be the *ex-officio* Vice Chairperson of the Authority;

(*c*) eighteen Scientists, nine to be nominated by the Central Government and nine by the State Government of Jharkhand in accordance with such procedure as may be prescribed by rules framed under this Act; and

(*d*) one member, to be appointed by the Central Government in consultation with the Government of the State of Jharkhand, who shall be the Director of the Authority.

(*2*) The terms and conditions of the service of the members referred to in clauses (*c*) and (*d*) of sub-section (*1*) shall be such as may be prescribed.

(*3*) Subject to such rules as may be made by the Central Government in this behalf, the Authority may, for the purposes of enabling it to perform its functions or exercise its powers efficiently under this Act, appoint such officers and other employees, as it may think fit, and determine their functions and conditions of services.

Fund of the Authority.

4. The Fund of the Authority shall consist of—

(*a*) contributions, subscriptions and donations made to it by any person; and

(*b*) annual grants made to it by the Central Government after due appropriation made by Parliament, by law in this behalf.

Functions of the Authority.

5. The functions of the Authority shall be to,—

(*a*) set up an atomic power plant at an appropriate place in the State of Jharkhand;

(*b*) set up atomic power plant for generating electricity to meet the energy needs of the State as well as those States in its neighbourhood whosoever shall intent to obtain supply of surplus electricity energy from the Authority; and

(*c*) perform such other functions as may be incidental, or conducive to the discharge of its main functions.

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 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.

STATEMENT OF OBJECTS AND REASONS

There is acute shortage of electricity in the State of Jharkhand and several other States in the region resulting in backwardness of the State and the entire region. The lowest per capita consumption of electricity registered in the region has been largely attributable to perennial scarcity of electric power at affordable cost. Supply of quality electricity produced by Atomic Power plant will not only facilitate development of the region but will also result in lowering of input cost for industries strengthening their competitiveness especially in the international markets.

Electricity can be produced by harnessing atomic energy and one of the richest areas in the world containing vital raw-material is located in the State of Jharkhand which has the richest Uranium deposits. In spite of that no atomic power plant for producing electricity has been set up in Jharkhand so far.

This Bill seeks to establish an Atomic Authority in Jhakhand to take appropriate steps for setting up of an atomic power plant in Jharkhand so that adequate electricity can be made available to meet the growing industrial and domestic consumption in Jharkhand. It will boost the economy of the State and generate employment opportunities.

Hence this Bill.

NEW DELHI;
November 17, 2015.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to establish the Jharkhand Atomic Authority. Clause 4 provides for grants to be made by the Central Government for its functioning. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees four crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two 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 this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 275 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.

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

Amendment of the Eighth Schedule.

2. In the Eighth Schedule to the Constitution,—

(*a*) existing entries 3 to 9 shall be renumbered as entries 4 to 10, respectively, and—

(*i*) before entry 4 as so renumbered, the following entry shall be inserted, namely:—

"3. Bhojpuri.";

(*ii*) after entry 10, as so renumbered, the following entry shall be inserted, namely:—

"11. Magahi.";

(*b*) entries 10 to 14 shall be renumbered as entries 12 to 16, respectively, and after entry 16 as so renumbered, the following entry shall be inserted, namely:—

"17. Oraon.";

(*c*) entries 15 and 16 shall be renumbered as entries 18 and 19, respectively, and after entry 19 as so renumbered, the following entry shall be inserted, namely:—

"20. Rajasthani.";

(*d*) entries 17 to 22 shall be renumbered as entries 21 to 26.

STATEMENT OF OBJECTS AND REASONS

Twenty-two languages find mention in the Eighth Schedule to the Constitution as national languages which are widely spoken and written by our people. It is believed that it is in the juxtaposition of these languages only that there is educational, cultural and intellectual development of our people. Language is not only a tool of communication but also a symbol of deference and respect. Language also symbolizes history, culture, people, governance, ecology, politics, etc.

'Bhojpuri' is also known as Bihari, Deswali and Khotla and happens to be a member of Indo-Aryan branch of Indo-European language family and holds close abuttal to Magahi and Maithili. Bhojpuri is spoken in the North Central and Eastern region. In particular, it is spoken in the western part of Bihar, North-Western part of Jharkhand and in the eastern part of Uttar Pradesh. Many Bhojpuri journals and newspapers are published in the States of Bihar and Uttar Pradesh.

Bhojpuri is spoken by more than 40 million people in the country. As per 2001 census, as many as 3,30,99,497 people have mentioned Bhojpuri as their mother tongue. The history of Bhojpuri language dates back to the 7th century. Owing to long history of migration from Bhojpuri areas, this language has made its presence felt in all the continents of this world. It is one of national languages of Fiji and is called Fiji Hindi.

Bhojpuri culture is popular in the countries like Nepal, Mauritius, Sri Lanka, Thailand, England and Greece as well. Bhojpuri speaking people account for fifteen to sixty-five per cent. population in nearly twenty countries. In Mauritius too more than 40 lakh people speak Bhojpuri. Different forms of Bhojpuri are spoken by Bhojpuri speaking progeny of plantation workers in many countries like Guinea, Surinam, Fiji, Trinidad and Tobago other than Bhojpuri, Magahi is one of the principal languages being spoken by the people residing in the eastern part of India particularly in various districts of Bihar, Jharkhand, Odisha and West Bengal by lakhs of people. This language carries rich cultural heritage and conventions of these regions.

Rajasthani is yet another principal language which has rich tradition and is widely spoken in the States of Rajasthan, Madhya Pradesh, Haryana, Gujarat and Punjab. Nearly thirty-five million people speak in Rajasthani alone. Endeavours have been made to provide this language the recognition which it is entitled to. However, this language is yet to receive proper recognition.

Likewise, Oraon is a popular language of Jharkhand which is spoken not only in the State but by lakhs of tribal people in West Bengal, Odisha and Chhattisgarh also. This language has rich tradition history of which dates back thousands of years.

In view of the above, in a bid to promote, consolidate and empower these languages, it is proposed that Bhojpuri, Magahi, Rajasthani and Oraon languages be included in the Eighth Schedule to the Constitution and thus given due recognition keeping in view the fact that these languages are spoken by lakhs of people.

Hence this Bill.

NEW DELHI;
November 17, 2015.

SUNIL KUMAR SINGH

BILL NO. 281 OF 2015

A Bill to provide for the welfare measures for the distressed veteran sportspersons such as old age pension for subsistence, disability assistance, healthcare facilities and housing faciliteis to be undertaken by the Stateand for the constitution of Distressed Veteran Sportspersons Welfare Fund and for matters connected therewith and incidental thereto.

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

Short title, extent, application and commencement.

1. (*1*) This Act may be called the Distressed Veteran Sportspersons (Welfare) Act, 2015.

(*2*) It extends to the whole of India and applies to sportspersons who are citizens of India and are for the time being, in distress.

(*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*) ''Fund'' means the Distressed Veteran Sportspersons Welfare Fund established under section 3;

(*c*) ''prescribed'' means prescribed by rules made under this Act; and

(*d*) ''veteran sportsperson'' means a sportsperson who has represented a State in National games or represented India in Olympic Games or Commonwealth Games or Asian Games or in any International sports event.

Constitution of the Distressed Sportspersons Welfare Fund.

3. (*1*) The Central Government shall, within a period of six months of the commencement of this Act, by notification in the Official Gazette, constitute the Distressed Sportspersons Welfare Fund for the purposes of this Act with an initial corpus of rupees ten thousand crore to be provided by the Central Government after 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*) Any sum of money received from body corporates, financial institutions and sports bodies, both domestic and international ones, individuals and bodies in the form of contributions and donations shall be credited into the Fund.

(*4*) The Fund shall be administered by a Board consisting of:—

(i) the Union Minister of Sports, as the Chairperson—*ex-officio;*

(*ii*) five members to represent each of the sports bodies called Associations, Federations or by whatever name called, recognized by the International Olympic Committee (IOC) or as may be recognized by the Central Government, by notification in the Official Gazette, who shall be rotated in alphabetical order after every three years in such manner as may be prescribed;

(*iii*) three members to represent the States to be nominated by the Central Government on the recommendation of the States who shall be rotated in alphabetical order after every three years, in such manner as may be prescribed;

(*iv*) two members to represent the veteran sportspersons to be nominated by the Central Government in such manner as may be prescribed.

(*5*) Any veteran sportsperson who is in distress and who intends to avail old age pension for his subsistence or for disablity assistance shall apply to the Board constituted under sub-section (*4*) in such form and in such manner as may be prescribed.

(*6*) The Board shall, on receipt of an application under sub-section (*5*), hold an enquiry to ensure that the particulars furnished by the sportsperson are in order and applicant fulfils the conditions for old-age pension or disability assistance, as the case may be, under the provision of this Act.

(*7*) On being satisfied that the applicant fulfils the prescribed conditions, the Board shall sanction the old age pension not less than rupees ten thousand per month or disability allowance not less than rupees five lakhs, as the case may be.

Utilization of the fund.

4. The Fund shall be utilized, in addition to the purposes referred to in sub-section (*4*) of section 3, for the following purposes, namely:—

(*a*) payment of premium of life insurance of veteran sportspersons;

(*b*) free healthcare facilities including medicines, pathological tests, X-rays and various scans, treatment as outdoor and indoor patients for the distressed veteran sportspersons and their family members; and

(*c*) for such other purposes and welfare measures, as may be prescribed.

Appropriate Government to set up special cell.

5. It shall be the duty of the appropriate Government to set up a special cell for the purposes of monitoring the implementation of the provisions of this Act within its territorial jurisdiction.

Central Government to provide funds.

6. 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.

Act to supplement 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 regulating any of the matters dealt with in this Act.

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 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.

STATEMENT OF OBJECTS AND REASONS

Our Nation has produced world renowned sportspersons and of late, our Nation has improved its medal tally at the Olympics, Asian Games, Commonwealth Games and other International events which proves that games and sports are gaining popularity in our country. There are sports like cricket, lawn tennis or to some extent badminton in which sportspersons are earning good money which may be enough to lead a normal life but there are games where there is no money for the sportspersons. Very often incidents are reported by the media that veteran sportsperson is pulling bicycle rickshaw, or working as a labourer or as a waiter and so on so forth. With the passage of time, many veteran sportspersons become distresed either due to old age, disability, infirmity, due to chronic diseases, etc.. They do not have money even for their subsistence, let alone spending money on their medical treatment and other necessities of life. Circumstances compel them to lead isolated life. It is felt that Welfare Fund should be established for the sportspersons so that they may be provided old age pension, disability allowance, medical treatment or financial assistance for self employment. The Bill proposes to achieve this objective.

Hence this Bill.

NEW DELHI;
November 17, 2015.

RANJEET RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Distressed Sportspersons Welfare Fund with initial corpus of rupees ten thousand crore to be provided by the Central Government and thereafter contribute to the fund. Clause 6 makes it obligatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated fund of India. It is not possible to quantify the actual amount which may be involved at this stage but it is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

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 powers is of a normal character.

BILL NO. 284 OF 2015

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

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

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

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

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

BE it enacted by 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 Compulsory Physical Fitness of Children through sports in Schools and Development of Sports Infrastructure 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, and different dates may be appointed for coming into force of different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

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

(*b*) "coach" includes any trained person involved with development of skills of an athlete for the sport;

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

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

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

Sports and Physical Fitness as a regular Subject in Schools.

3. (*1*) From such date, as the Central Government may, in consultation with the State Governments, by notification specify, training in Sports and Physical Fitness shall be imparted as a compulsory subject in all schools.

(*2*) The appropriate Government shall take such measures as may be necessary to develop infrastructure of international standard for over-all development of student.

(*3*) The appropriate Government shall provide equal opportunities in sports to all sportspersons, create awareness, reduce stress and develop skill in sports as a whole in the country to achieve excellence in sports at the international arena.

Mandatory Capacity and Awareness building programmes.

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

Guidelines to be followed by Schools.

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

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

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

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

(*d*) mandatorily allocate a minimum number of hours in a month, for the training to be imparted to students from sixth to twelfth standard; and

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

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

Special Provisions for Physically Challenged Students.

6. The appropriate Government shall ensure that every school makes special provisions for physically challenged students to,—

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

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

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

Adequate access to sports infrastructure.

7. (*1*) The appropriate Government shall take measures to ensure that the necessary sports infrastructure is provided in every school.

(*2*) In case any school does not possesses sufficient sports infrastructure to facilitate sports training, the appropriate Government shall extend facilities to such school by—

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

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

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

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

Selection procedure for international and national sporting

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

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

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

Development of sports in frastructure according to international parameters.

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

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

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

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

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

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

Incentives to and promotion of sports persons.

11. The appropriate Government shall frame guidelines to promote talent and give incentives to students and sportspersons who represent the country and bring laurels at the national and international level, by— (*a*) rescheduling of examinations, compensation of attendance and granting credits or by providing equitable credit system where in extra credits and grades shall be given to ensure that the students do not lose out or refrain from taking up sports at an extra-meritorious level; and (*b*) providing job opportunities, preference for government loans, concession on travel fares and minimum financial benefits.

Public sector undertakings to promote and support Sports persons.

12. (*1*) The appropriate Government, shall ensure that Government owned or Public Sector Undertaking Companies take responsibility for supporting talent and promising sportspersons who have achieved State, National and International accolades by mandating a quota for employment and funding expenses for meeting sports expenditure in the requirement of equipments and medial aid for sportspersons;

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

Penalty.

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

Central Government to provide Funds.

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

Power to remove difficulty.

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

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

Power to make rules.

16. (*1*) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*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.

THE SCHEDULE

[*See section* 2 (*C*)]

Sl. No.	Name of Sport
1.	Aero Sports
2.	Archery
3.	Athletics
4.	Atya Patya
5.	Aquatics
6.	Badminton
7.	Ball Badminton
8.	Baseball
9.	Basketball
10.	Billiards and Snooker
11.	Bridge
12.	Body Building
13.	Boxing
14.	Carrom
15.	Chess
16.	Cricket
17.	Cycling
18.	Cycle Polo
19.	Equestrian
20.	Fencing
21.	Football
22.	Golf
23.	Gymnastics
24.	Handball
25.	Hockey
26.	Ice Hockey
27.	Judo
28.	Kabaddi
29.	Karate Do
30.	Kho-Kho
31.	Motor Sports
32.	Netball
33.	Polo
34.	Power-lifting
35.	Rowing
36.	Roller Skating
37.	Rugby
38.	Shooting
39.	Shooting Ball
40.	Soft Ball
41.	Soft Tennis Ball
42.	Special Olympic Sports
43.	Sports for deaf persons
44.	Table Tennis
45.	Tennis
46.	Tennis Ball Cricket
47.	Throw Ball
48.	Tug of war
49.	Volleyball
50.	Weightlifting
51.	Winter Games (Skiing and Snowboarding)
52.	Wrestling (Free Style and Greco Roman)
53.	Wrestling (Indian Style)

STATEMENT OF OBJECTS AND REASONS

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

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

The lack of infrastructural facilities and training of international standards are major impediments in the process of development of sports in India. Moreover, considering sports as a serious carrier option comes at the cost of education and job opportunities, falling attendance, grades and the struggle to earn a livelihood. Added to that is the cost and struggle to avail sporting facilities in various parts of the country.

This shouldn't be used in excuse and deter the Government to wash their hands off the responsibility of providing for sporting facility, from the grassroots level, in villages and small towns to upgrade the quality of infrastrucuture at major towns and regional centres.

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

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

Hence this Bill.

NEW DELHI;
November 17, 2015

RANJEET RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides sports and physical fitness education as a compulsory and regular subject in schools. Clause 4 mandates capacity and awareness building programmes. Clause 6 allows for special provisions for physically challenged students to participate in sports. Clause 7 provides that appropriate government shall ensure availability of necessary sports infrastructure in every school. Clause 10 lays down guidelines to be adhered to while commissioning sports infrastructure in the country to meet international standard. Clause 14 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill does involve expenditure towards building of infrastructure of international standards whenever it commissions the building of any such infrastructure after the enactment of the Act for Union territory. The Bill will also involve expenditure towards infrastructural facilities and awareness programmes.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to the Central Government, in consultation with the State Governments, to make necessary rules for 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. 280 OF 2015

A Bill to provide for the special facilities and protection of distressed farmers who are affected by various natural calamities, and victims of indebtedness, physical infirmities, diseases, old age, exploitation, etc. by giving adequatecompensation, extending relief measures, removal of indebtedness,prevention of exploitation by moneylenders and other unscrupulouselements, extending easy and hassle free bank loans, giving remunerative prices for their produce, improving farmingpractices through scientific means, extending compulsorymarket intervention in case of bumper crop, compulsoryinsurance of crops and livestock, old age allowance,medicare and other welfare measures to ensure thatthey do not commit suicide and for matters connected therewith and 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 Distressed Farmers (Special Facilities, Protection and Welfare) 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.

Definitions.

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

(*a*) "agricultural produce" includes wheat, paddy, coarse cereals like maize, jowar, gram, bajra, millet, barley, madwa, soyabean, pulses and all types of beans and peas, cotton, sugarcane, oilseeds, tobacco, vegetables, jute, all types of spices, coconut, all fruits including areca nuts, chillies and such other crops grown by farmers and produces which may be notified by the Central Government in the Official Gazette, from time to time and also includes seeds as defined in the Seeds Act, 1966; 54 of 1986.

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

(*c*) "bumper crop" means the excess yield of any agricultural produce of a farmer which does not give reasonable return to the farmer after selling the yield as compared to its cost of production;

(*d*) "crop insurance" means insuring the crops in the event of loss of crop due to any natural calamity and include losses suffered by farmer on account of bumper crop;

(*e*) "farmer" means a person who owns land and cultivates or causes it to be cultivated for agricultural purposes or for horticulture purposes and includes all farmers big, middle, small and marginal farmers as identified by the Central Government;

(*f*) "Fund" means the Farmers Natural Calamity Assistance Fund constituted under section 4;

(*g*) "natural calamity" includes drought, flood, excessive rains, cloudbursts, cyclone, super cyclone, tsunami, storm, hailstorm, winds, frost, winterkill, lightening, fire, excessive snowfall, earthquake, wild life, insect infection, plant disease and such other natural calamities as may be notified from time to time; and

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

Long-term National Action Plan for Welfare of Farmers.

3. (*1*) The Central Government shall as soon as may be, but within one year of the commencement of this Act, formulate and publish in the Official Gazette, a long term action plan for the overall welfare of the farmers particularly for the distressed farmers of the desert, drought prone, hilly, flood prone, coastal and other natural calamity prone areas and regions and shall take appropriate measures for the uniform implementation of such action plan.

(*2*) In particular and without prejudice to the generality of the provisions contained in sub-section (*1*), such action plan may include:—

(*a*) provision of immediate interim relief or *ex-gratia* payment to distressed farmers affected by natural calamity;

(*b*) comprehensive crop and livestock insurance scheme in which insurance premium of small and marginal farmers shall be borne by the Central Government to provide relief to the farmers in distress affected by natural calamity or who suffer losses on account of bumper crop;

(*c*) ensuring remunerative prices for the agricultural produce of the farmers through Minimum Support Price mechanism or other appropriate measures;

(*d*) compulsory market intervention scheme in case of bumper crop of any agricultural produce without the formalities of making requests etc., by the concerned State authorities so as to procure or arrange to procure the excess yield of the farmers;

(*e*) institutional mechanism for efficient marketing and export of agricultural produce of the farmers;

(*f*) making easy availability of fertilizers, pesticides and quality seeds to farmers at affordable prices;

(*g*) ensuring timely completion of irrigation projects to provide requisite irrigation facilities to the farmers to save them from the vagaries of nature;

(*h*) comprehensive measures for the removal of indebtedness of the distressed farmers by way of writing-off loans and interest accrued thereon if crops are lost due to natural calamity, providing easy loans with nominal interest from banks and financial institutions and saving the distressed farmers from the clutches of greedy moneylenders so that they may be saved from resorting to extreme step of committing suicide; and

(*i*) welfare scheme including old age allowance for all farmers and their spouses, free medical care, shelter to the needy farmers and for such other provisions as may be deemed necessary.

Constitution of Farmers Natural Calamity Assistance Fund.

4. (*1*) The Central Government shall, as soon as may be, but within six months of the commencement of this Act, constitute a Fund to be called the Farmers Natural Calamity Assistance Fund for carrying out the purposes of this Act.

(*2*) The initial corpus of the Fund shall be fifty thousand crore rupee to be provided by the Central Government after due appropriation made by Parliament by law in this behalf.

(*3*) After the initial constitution of the Fund, moneys shall be provided to the Fund by the Central and the State Governments in such proportion and in such manner as may be prescribed.

(*4*) Any sum of moneys received from the general public, body corporates, domestic and foreign financial institutions as donations and gifts shall be credited into the Fund.

(*5*) The Fund shall be utilized for providing immediate financial assistance, *ex-gratia,* compensation to the distressed farmers affected by any natural calamity or disaster in such manner as may be prescribed.

(*6*) The Fund shall also be utilized for providing special assistance or package as may be formulated by the appropriate Government for the children, women, physically challenged farmers, old farmers and such other persons vulnerable to the aftermath of natural calamity in such manner as may be prescribed.

Certain facilities and miscellaneous provisions for farmers.

5. (*1*) It shall be the duty of the appropriate Government to:—

(*a*) make sure that every distressed farmer affected by natural calamity who has lost his crop, livestock, movable or immovable property or life of kith or kin gets timely adequate compensation;

(*b*) publicise the weather forecasts during the sowing seasons in different parts of the country through the print and electronic media and in particular through All India Radio and Doordarshan in such manner as the appropriate Government may deem fit and necessary;

(*c*) to consistently monitor the sowing and production trends of crops of agricultural produce right from the beginning of every sowing season so as to make correct estimates of likely yields, local consumption needs, purchases by Government agencies under Minimum Support Price (MSP) mechanism, surplus and such other eventualities to ensure that farmers are not affected in any manner therefrom;

(*d*) prevent distress sale of agricultural produce by farmers in case of bumper crop by extending compulsory market intervention scheme in such area and providing subsidised transportation facility to carry the surplus produce to the identified areas where such produce is likely to be consumed or in demand and make necessary marketing and yard facilities for such bumper crop;

(*e*) remove the middlemen, moneylenders and unscrupulous traders who exploit the farmers in case of bumper crop in such manner as it may deem fit necessary to do so;

(*f*) establish agricultural farms in every block of the country which shall ensure timely and adequate supply of quality seeds and saplings at affordable rates to the farmers;

(*g*) establish Agricultural Universities and Krishi Vigyan Kendras at conspicuous places for promotion of agriculture;

(*h*) establish modern veterinary hospitals and clinics in every block to assist farmers in animal husbandry;

(*i*) promote agro based industries such as food processing, dairy, poultry, rearing of animals, piggery, bee keeping and bakery in order to enhance the farm income of the farmers;

(*j*) promote cooperative farming and contract farming to promote better farm management and farm techniques with a view to making agriculture economically viable and sustainable;

(*k*) promote cultivation of vegetable, floriculture, horticulture, spices, pisciculture, sericulture, herbals and plants of medicinal values, bamboo and cane, along with handloom and handicrafts and other village arts in the suitable areas to supplement the income of the farmers;

(*l*) promote organic farming, use of natural manure, use of biomass for energy production, rain water harvesting techniques, use of solar and wind energy for the benefit of farmers;

(*m*) promote traditional water bodies such as wells and ponds and provide sprinkler and other irrigation facilities and regular power supply to the farmers; and

(*n*) provide such other facilities as may be necessary, incidental and expedient as may be prescribed.

Certain welfare measures for farmers.

6. It shall be duty of the appropriate Government to provide every farmer:—

(*a*) medical facilities including medicines and hospitalisation wherever necessary free of cost;

(*b*) educational facilities including technical, medical, vocational, information technology and higher education at the college and University level free of cost to the children of farmers;

(*c*) adequate old age allowance to lead a dignified life;

(*d*) disability pension in case he is physically challenged;

(*e*) recreational and entertainment facilities through individual or Community Centres; and

(*f*) such other welfare and protective measures as may be deemed necessary and appropriate or as may be prescribed.

Special credit facilities for distressed farmers.

7. (*1*) It shall be obligatory for all the public, private and cooperative sector banks and financial institutions to provide hassle free credit facilities with nominal interest or without any interest thereon to the distressed farmers affected by any natural calamity or to face the aftermath of any natural calamity in his agricultural operations.

(*2*) The banks and financial institutions referred to in sub-section (*1*) shall also waive off outstanding loan availed by any distressed farmer affected by any natural calamity.

(*3*) The banks and financial institutions shall not refuse a fresh loan to any farmer in distress to enable him to carry out his agricultural operations.

Central Government to provide requisite funds.

8. (*1*) The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.

(*2*) It shall be the duty of every State Government to implement the provisions of this Act and the Central Government shall provide necessary funds to the State Governments for this purpose.

Power to remove difficulty.

9. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of two years from the Commencement of this Act.

(*2*) Every order made under sub-section (*1*) of section 9 shall be laid, as soon as may be, after it is made, before each House of Parliament.

Act to have over-riding effect.

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

Power to make rules.

11. (*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 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.

STATEMENT OF OBJECTS AND REASONS

It is rightly said that our country resides in villages because majority of our population is in the rural areas and agriculture is the main occupation. The farmers are the backbone of our economy and they mainly depends on good harvests during the sowing seasons. Inflation and price rise are also decided by the yield of the farmers. Agriculture extensively contributes to our Gross Domestic Product (GDP). This sector generates maximum number of employment opportunities, ensures food security to the nation and provides largest share of raw materials to our industries. But unfortunately, the lot of most of the farmers has not improved even after more than six decades of independence and implementation of eleven Five Year Plans. They are still poverty stricken, indebted and being exploited. The farmers are on the mercy of vagaries of nature for their yields in the absence of irrigation facilities in abundance. At the same time natural calamities do occur very frequently in one part or the other, of the country round the year. Drought affects various parts of the country at regular intervals and so is the case of floods which devastate many parts of the country regularly year after year. The coastal areas face the brunt of cyclones very frequently and sometimes they are affected by super cyclone and even Tsunami. Similarly, many other parts of our vast nation are adversely affected by earthquake, excess rains, cloudbursts, hailstorm, frost, winterkill, lightening, fire, excess snow, wild life, insect infection, plant diseases and other vagaries of nature. The farmers who lose their crops and other belongings have to bear the brunt of these natural calamities and with that their hopes too are dashed. They become indebted inorder to survive and restart their agricultural operations and fall in the unending trap of greedy moneylenders and many of them also take the extreme step of committing suicide. Such suicides are very rampant in the States of Maharashtra, Andhra Pradesh, Madhya Pradesh and Punjab. Similarly, when the farmer grows a bumper crop there are no buyers of his yield and he is forced to opt for distress sale of his agricultural produce at throwaway prices and sometimes resorts to burning his crop. The indebted farmers do not get any support to live a dignified life in their old age. There is no social security for them. In some States, they are given a meagre old age pension which cannot fetch even two square meals for them. They do not get the medical facilities. The plight of infirm and physically challenged farmers is more precarious.

In a welfare State like ours, it is the sacred duty of the State to protect the farmers who have remained neglected and exploited. They should be given sufficient protection by the State by implementing comprehensive crop and livestock insurance, extending soft loans by banks and financial institutions, by giving adequate and timely compensation when affected by natural calamity. It should be ensured that they get remunerative prices for their yield and the State must implement welfare measures for the farmers so that they too reap the fruits of progress made by our nation.

Hence this Bill.

NEW DELHI; RANJEET RANJAN

November 17, 2015.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Farmers Natural Calamity Assistance Fund with initial Corpus of rupees fifty thousand crore and thereafter Central Government has to provide requisite funds every year. Clause 5 provides for certain facilities for farmers. Clause 6 provides for certain welfare measures to farmers. Clause 8 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. Apart from the initial amount of fifty thousand crore, it is estimated that a sum of rupees sixty thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees fifty thousand crore may also involve from the Consolidated Fund of India.

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 of a normal character.

Bill No. 279 of 2015

A Bill to provide for proper handling and disposal of electronic waste by prescribing norms and fixing 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 commence-ment.

1. (*1*) This Act may be called the Electronic Waste 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.

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*) "consumer" means any individual or firm or company using the products that is capable of generating electronic waste;

(*c*) "disposal" means disposal of electronic waste according to prescribed norms to prevent contamination of the environment 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 other products;

(*e*) "municipal authority" means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;

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

(*g*) "re-cycler " means any person or establishment engaged in recycling or reprocessing of used electronic equipment or assembly of their component.

Compliance criteria and procedure for disposal of electronic waste.

3. The Central Government shall, in consultation with Central Pollution Control Board, prescribe the compliance criteria and procedure for handling and disposal of electronic waste.

Appropriate Government to ensure disposal of electronic waste.

4. The appropriate Government shall monitor the implementation of the compliance criteria and procedure prescribed under section 3.

Duty of Manufacturer.

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

(*i*) to ensure that every electronic product offered for sale in the market contains—

(*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 collect the electronic waste generated during the manufacture of electric and electronic waste; and

(*iii*) to create public awareness through advertisements, publications and other electronic media about the hazardous substances in their products which may cause ill effects on human body.

Duty of consumer.

6. It shall be the duty of every consumer to ensure that the electronic waste is segregated into recyclable and non-recyclable waste and is not disposed of in any manner except in the manner prescribed for the purpose.

Responsibilities of the municipal authorities.

7. The municipal authority shall—

(*i*) ensure collection of segregated electronic waste from households and for further disposal; and

(*ii*) notify sites demarcated as collection points.

Registration and responsibility of re-cycler.

8. (*1*) Every re-cycler of the electronic product shall be registered with the appropriate Government in such manner as may be prescribed.

(*2*) Every re-cycler shall re-cycle only those parts of an electronic product which have been marked as recyclable by the manufacturer.

Penalty.

9. Whoever violates the provisions of this Act shall be punished with imprisonment for a term which may extend to six months and fine which may extend to fifty thousand rupees.

Central Government to provide requisite sums.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the State Governments for carrying out the purposes of this Act.

Power to remove difficulties.

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

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

Act to have overriding effect.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to maintenance of public cleanliness and waste management or in any instrument having effect by virtue of any law other than this Act.

Act not in derogation of any other law.

13. 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.

14. (*1*) The Central Government may, by notification in the Gazette of India, 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

The volume of electronic waste is increasing at an alarming rate in India and its handling and disposal has become a major challenge. Many of these electronic goods contain toxic substances which can cause serious health problems to the persons handling electronic waste and also damage to the environment. There is a huge gap between e-waste generated in India and its capacity to deal with it. Currently, it is the extended responsibility of the producer regarding disposal and recycling once the consumer discards the product.

Rare earth minerals are highly used in manufacture of electronic goods. Failure in recycling of electronic waste will also lead to shortage of such rare earth minerals. Therefore, it is important that this issue is tackled collectively by manufacturers, consumers and the Government.

Hence this Bill.

NEW DELHI;
November 17, 2015.

KIRIT PREMJIBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for responsibilities of the Municipal Authorities. Clause 8 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of the Bill. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may also have to provide some financial assistance to the States for this purpose. Also, 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 estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 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. 272 OF 2015

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

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 Commissions of Inquiry (Amendment) Act, 2015.

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

Amendment of section 3.

60 of 1952.

2. In section 3 of the Commissions of Inquiry Act, 1952:—

(*a*) in sub-section (*1*), after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that the time specified in the notification issued for the purpose of appointment of Commission of Inquiry shall not be more than three years."; and

(*b*) in sub-section (*4*), for the words "six months", the words "three months" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Commissions of Inquiry Act, 1952 empowers the Central Government and the State Governments to appoint Commissions of Inquiry to inquire into any definite matter of public importance involving cases of irregularities, etc. The objective behind appointment of such Commissions of Inquiry is to find out the truth behind the alleged irregularities, ensure justice for the victims and identification of the guilty.

However, experience has shown that Commissions of Inquiry take very long time period to submit their reports thereby defeating the purpose for which they are appointed. By the time they give their report, the issue has often lost its relevance. Hence, the aim of giving justice to the victims gets diluted and it does not serve any purpose. Moreover, due to inordinate long terms and repeated extentions given to the Commissions of Inquiry, the financial burden on the appropriate Government increases enormously thus causing waste of public money.

To overcome the aforesaid problem, it is necessary to amend the Commissions of Inquiry Act, 1952 to ensure that the report of the Commission of Inquiry is submitted within a period of three years from the date of its appointment and also to provide for laying, before each House of Parliament or, as the case may be, the Legislature of the State, the Report of the Commission together with a memorandum of action taken thereon by the Government within a period of three months of the submission of the report.

NEW DELHI;
November 17, 2015.

KIRIT PREMJIBHAI SOLANKI

BILL NO. 333 OF 2015

A Bill to provide for development of solar power generation and mandatory use of solar power by every household, business establishment and Government building, in order to promote use of non-conventional energy 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 Solar Energy (Development and Compulsory use) 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.

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*) "business establishment" includes any building which is used as an office or a factory in connection with any trade or business;

(*c*) "Government building" includes the offices of the Ministries, departments, public sector enterprises, statutory bodies or bodies owned or administered by the Government and autonomous bodies, local self Government bodies and residential areas of Government employees provided by the Government;

(*d*) "household" means a dwelling unit of any description; and

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

Obligations for the owners, lessees, tenants, builders and promoters of buildings.

3. It shall be obligatory for the owners, lessees, tenants, builders and promoters of every building, to install solar photovoltaic modules and panels, on the top of buildings and/or in the land forming part of the property, for generating electricity in order to meet a part of its total electricity requirement in such manner as may be prescribed.

Central Government to amend building bye-laws and provide incentives to popularise and promote use of solar energy.

4. For the purpose of this Act, the Central Government shall—

(*i*) make amendments to the building bye-laws so as to make it obligatory for the owners, contractors, builders and promoters of all new buildings to install solar thermal collectors and photovoltaic modules and panels as specified in this Act;

(*ii*) specify the circumstances and technical grounds under which exemptions may be granted from the provisions of this Act; and

(*iii*) make provisions for subsidies and other incentives for the installation of solar energy systems in new buildings as well as existing buildings.

Action plan to educate about the benefits of use of solar energy.

5. (*1*) **T**he Central Government shall, as soon as possible, prepare an action plan to educate the masses about the technology and the benefits of use of Solar Energy.

(*2*) For the purpose of spreading awareness and promotion, the Central Government shall also associate Non-Governmental Organisations and such other agencies or institutions, as it may deem fit.

Central Government to provide requisite funds.

6. The Central Government shall, after due appropriation made by Parliament by law, provide requisite funds to the State Governments for the purposes of this Act, from time to time.

Penalty.

7. Whoever contravenes the provisions of this Act shall be liable to imprisonment which may extend to one year and fine which may extend to fifty thousand rupees.

Act not in derogation of other law.

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

Powers to make rules.

9. (*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

India is facing an acute energy scarcity which is hampering its industrial growth and economic progress. Thus, it is essential to tackle the energy crisis through judicious utilization of abundant renewable energy resources.

Solar Energy is a clean renewable resource with zero emission and has got tremendous potential of energy which can be harnessed using a variety of devices. With recent developments, solar energy systems are easily available for industrial and domestic use with the added advantageof minimum maintenance. Solar energy could be made financially viable with Government tax incentives and rebates. Most of the developed countries are switching over to solar energy as one of the prime renewable energy source. The current architectural designs make provision for photovoltaic cells and necessary circuitry while making building plans. Because of its location between the Tropic of Cancer and the Equator, India has an average annual temperature that ranges from 25°C-27°C. This means that India has huge solar potential.

The Bill, therefore, seeks to provide for development of solar power generation and mandatory use of solar power by every household, business establishment and Government building, in order to promote use of non-conventional energy for matters connected therewith or incidental thereto.

Hence this Bill.

NEW DELHI;
November 17, 2015.

KIRIT PREMJIBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain subsidies and other incentives by Central Government to promote Solar Energy. Clause 5 provides that the Central Government shall prepare an action plan to educate the masses about the technology and the benefits of Solar Energy and associate non-Governmental Organisations and Private sector for the purpose. Clause 6 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of this 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 fifty thousand crore is likely to be incurred.

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

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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 of a normal character.

BILL NO. 339 OF 2015

A Bill further to amend the Insecticides Act, 1968.

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 Insecticides (Amendment) Act, 2015.

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

Amendment of section 4.

46 of 1968.

2. In section 4 of the Insecticides Act, 1968 (hereinafter referred to as the principal Act), in sub-section (*3*), after clause (*v*), the following clause shall be inserted, namely:—

"(*va*) one nanotechnology expert to be nominated by the Central Government.".

Amendment of section 9.

3. In section 9, of the principal Act, after sub-section (*3C*), the following sub-sections shall be inserted, namely:—

"(*3D*) In case of nanotechnology based insecticides, where there is no conclusive study certifying harmlessness of the pesticides on humans, animals and the environment, the Registration Committee may register the insecticide provisionally for two years, on such conditions as may be notified by it.

(*3E*) In case of nanotechnology based insecticides that have been registered provisionally for a period of two years, it shall be mandatory for the manufacturer or importer of such insecticide to report any adverse consequences of the use of insecticides on human health, animals and environment in a format and within such time period as may be specified by the Registration Committee.".

STATEMENT OF OBJECTS AND REASONS

Nanotechnology deals with the understanding and control of matter at a dimension of roughly 100 nanometre (billionth of a metre) and below. It promises to be revolutionary technology with applications in a wide range of sectors.

Due to properties like enhanced surface area and increased potency of particles at the nano scale, nano particles are being added to insecticides. This has led to an improvement in efficacy of insecticides in some cases but the impact of presence of nano particles in the insecticides on human health and environment has not been fully investigated yet. Therefore, it is essential that the impact of nanotechnology based insecticide be monitored continuously. Accordingly, it has been proposed in the Bill that nanotechnology based insecticide shall be given a two year provisional registration and it shall be mandatory for the manufacturer or importer to report any adverse impact of the insecticide on humans and environment in such format and within such a time as may be specified by the Registration Committee.

Hence this Bill.

NEW DELHI; KESINENI SRINIVAS

November 17, 2015.

BILL NO. 340 OF 2015

A Bill further to amend the Patents Act, 1970.

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 as Patents (Amendment) Act, 2015.

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

39 of 1970.

2. In section 73 of the Patents Act, 1970 (hereinafter referred to as the principal Act), in sub-section (*2*), the following proviso shall be added at the end, namely: Amendment of section 73.

"Provided that each patent office shall employ at least one permanent patent officer with expertise in nanotechnology.".

3. After section 94 of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:— Insertion of new Chapter XVIA.

"CHAPTER XVIA

COUNCIL FOR THE ADAPTATION OF PATENT SYSTEM TO NANOTECHNOLOGY

95. (*1*) The Central Government shall establish a Council to be known as the Council for the Adaptation of Patent System to Nanotechnology (CAPS-NT). Establishment of Council for the Adaptation of Patent System to Nanotechnology.

(*2*) The Council shall consist of a Chairperson and two whole-time Members to be appointed by the Central Government.

(*3*) The Chairperson of the Council shall be a person of ability, integrity and outstanding scientific calibre with a doctorate degree or equivalent degree in the field of sciences from a University recognized by the University Grants Commission or a university or institute established by law for the time being in force, and having not less than fifteen years of experience in a leadership role in a scientific organisation, scientific institution or scientific agency, or similar organisation or institution or agency, out of which at least five years shall be as head of the organisation or institution or agency or unit or division, as the case may be.

(*4*) A member shall be a person of ability, integrity and outstanding scientific calibre with a doctorate degree or equivalent degree in the field of sciences from a university recognized by the University Grants Commission or a university or institute established by law for the time being in force, and having not less than ten years experience in a leadership role in a scientific organisation, scientific institution or scientific agency or unit or division:

Provided that the Central Government shall, while appointing the Members, ensure that one such Member has requisite knowledge and experience in the fields of nanotechnology, nanosciences and areas connected therewith, respectively.

(*5*) The Chairperson and whole-time Members of the Council shall be appointed on the recommendation of the Selection Committee constituted under section 97.

(*6*) The Chairperson or the whole-time Member of the Council shall not hold any other office during the period of holding his office as such.

(*7*) The Central Government shall, within a period of two months from the date of occurrence of any vacancy in the office of the Chairperson or Member, by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or completion of the term of office of the Chairperson or a Member, make a reference to the Selection Committee constituted under section 97 for filling up of such vacancy.

96. (*1*) The Council shall function as the independent body and its recommendations shall be binding on the Patent Office. Functions of the Council.

(*2*) The Council shall have the mandate of adapting the patent system to Nanotechnology and such other new technologies as may be notified by the Central Government from time to time.

(*3*) The Council shall develop standardised terminology for patent classification and create a system for collecting nano-related patents in one single patent class within such time period as notified by the Central Government.

(*4*) The Council shall develop a Framework for Patenting of Nanotechnology Inventions (FPNI) by balancing the test of novelty, non-obviousness, industrial application and the intrinsic nature of nanotechnology.

(*5*) The patent applications falling within the scope of nanotechnology and nanoscience as per the provisions of sub-section (*4*) shall be certified as nanotechnology related applications and shall be further processed within the Framework for Patenting of Nanotechnology Inventions (FPNI) as per sub-section (*4*).

Composition of Select Committee.

97. (*1*) The Central Government shall, for the purpose of selection of the Chairperson and Members, constitute a Selection Committee consisting of—

(*a*) Cabinet Secretary to the Government of India—Chairperson, *ex-officio;*

(*b*) Secretary, Union Ministry of Health and Family Welfare—member, *ex-officio;*

(*c*) Secretary, Union Ministry of Agriculture—member, *ex-officio;*

(*d*) Secretary, Union Ministry of Science and Technology, Department of Bio-Technology, member, *ex-officio;*

(*e*) Secretary, Union Ministry of Environment, Forests and Climate Change, member, *ex-officio;*

(*f*) Secretary, Union Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, member, *ex-officio;*

(*g*) two eminent nanotechnologists to be nominated by the Central Government, members.

(*2*) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(*3*) Before recommending any person for appointment as a Chairperson or a Member of the Council for the Adaptation of Patent System to Nanotechnology (CAPS-NT), the Selection Committee shall satisfy itself that such person does not have any financial or other conflict of interest, which is likely to affect prejudicially his functions as Chairperson or Member, as the case may be.

(*4*) No appointment of the Chairperson or Member of the Council shall be invalid merely by reason of any vacancy in the Selection Committee.

(*5*) Subject to the provisions of sub-sections (*3*) and (*4*), the Slection Committee may regulate its own procedure.

(*6*) The salaries and allowances payable to, and other terms and conditions of service of the members shall be such as may be prescribed by rules made under this Act.

Staff of the Council for the Adaptation of Patent System to Nanotechnology.

98. (*1*) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Council for the Adaptation of Patent System to Nanotechnology (CAPS-NT) in the discharge of its functions under this Act and provide the Council with such officers and other employees as it may think fit.

(*2*) The salaries and allowances payable to, and other terms and conditions of service of the officers and other employees of the Council shall be such as may be prescribed by rules made under this Act.

(*3*) The officers and other employees of the Council shall discharge their functions under the general superintendence of the Chairperson of the Council in the manner as may be prescribed by rules made under this Act.".

STATEMENT OF OBJECTS AND REASONS

Nanotechnology deals with the understanding and control of matter at a dimension of roughly 100 nanometre (billionth of a metre) and below. It promises to be a revolutionary technology with applications in a wide range of sectors.

In keeping with the launch of Nano Mission by Government of India, the number of patents filed in the field of nanotechnology has witnessed an exponential increase between 2001 and 2007. Nanotechnology straddles a vast array of fields like Physics, Chemistry, Bio-Sciences, material Science and has applications in fields ranging from aerospace to water purification. This multi-disciplinary nature of nanotechnology makes it a technology of the future. It is often called the next industrial revolution. Nano robots are already finding application in the medicine for targeted drug delivery, in oil and natural gas industry, in oil and natural gas industry for exploration of oil fields and in low cost water purification systems.

Nanotech innovations, however, create a number of problems for patenting owing to their multi-disciplinary character, cross-sectoral applications, broad claims as well as difficulties in fulfilling the patentability criteria of novelty, non-obviousness and industrial application. This Bill seeks to address this issue by creating a Council for Adaptation of Patent System to Nanotechnology (CAPS-NT) with the mandate to create a framework that balances test of novelty, non-obviousness, industrial application and intrinsic nature of nanotechnology.

The Bill further aims to augment the capacity of patent offices in dealing with nanotechnology claims by mandating appointment of nanotech experts as patent examiners. This would resolve the problem of mistaken rejection and acceptance of overly broad claims. By creating an enabling environment for nanotechnology innovation and patenting, we would not only unlock the potential of nanotechnology but also give impetus to development of advanced technology solutions to our problems, giving a fillip to the 'Make in India' campaign.

Hence this Bill.

NEW DELHI; KESINENI SRINIVAS

November 17, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Council for Adaptation of Patent System to Nanotechnology (CAPS-NT). It also provides for appointment of eminent nanotechnologist as a member of the Selection Committee. It further provides for appointment of staff and officers to assist the Council. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees fifty lakh per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crores would also be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to frame rules for the terms and conditions of service and functions of officers and other employees of the Council for Adaptation of Patent System to Nanotechnology. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

BILL NO. 341 OF 2015

A Bill to provide compulsory protection to all persons coming forth to provide information as witnesses in a court of law within the territory of India.

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 Witness Protection Act, 2015.

(*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*) "court" includes all courts which are empowered to try offences under any law for the time being in force in India;

(*c*) "identity" means the name, reputation, *alias,* image, and any other portrayal or characteristics of any kind of the protectee (whether real or virtual and in any format whether in film, by way of a photograph, virtual, electronic or otherwise) including Government and private records of the protectee and all other characteristics of the protectee by which he may be recognized;

(*d*) "judicial proceedings" include any proceeding in the course of which evidence is or may be legally taken on oath;

(*e*) "National Council" means the National Witness Protection Council established under section 8;

(*f*) "officers of the court" means any person who has an obligation to promote justice and effective operation of the judicial system, including judges and attorneys who appear in court and administrative officers of the courts;

(*g*) "protectee" means any individual who has been or might be threatened, coerced, attacked, injured or influenced in any manner whatsoever as may be determined by the court in which the proceedings involving him as a witness are going on;

(*h*) "protectee's residence" means any place or institution (not being a police lock-up or jail), which in the opinion of the competent authority, may be a place of safety for the witness and/or his relatives;

(*i*) "State Council" means the State Witness Protection Council established by the State Government under section 8; and

(*j*) "witness" means a person who is acquainted with the facts of a crime and who is able to produce evidence of such fact either by providing oral, written or by any intelligible gestures in any judicial proceeding.

Process of availing protection.

3. (*1*) The witness may apply for witness protection at the court in which the proceedings are being heard at any stage of the proceeding or within the jurisdiction of the police station that he falls under.

(*2*) When an application is made at a police station, the station officer shall ensure that the application is processed and produced before a court within forty-eight hours of receipt.

(*3*) The Police officer shall investigate the threat to the witness as mentioned in the application and shall produce the witness before the court, submit a report of his investigation and recommendations to the court.

(*4*) The Police officer without unnecessary delay shall bring the person before the court before which he is required by law to produce such person.

(*5*) Pursuant to the said application, the judge of the competent court shall with the aid of the State Council constitute a witness protection cell comprising of the Station House Officer of the appropriate police station, the Investigating Officer, the Advocate for the Witness, the judge and such other person that the State Council may appoint.

(*6*) The witness protection cell shall do all things necessary for the purpose of ensuring the witnesses' right under section 3.

(*7*) All aids of law shall be provided to the applicant and he shall have access to relevant legal aid if necessary.

Instances and stages of protection.

4. (*1*) The protectee shall be provided protection in maintaining his right to life and it shall be ensured that there is no harm to body, property, mind or associated people with an intention to influence the protectee's actions.

Explanation.—For the purpose of this sub-section, "associated people" means any person who stands in some relation to or has some bearing or connection with or has an association or connection with the witness.

(*2*) The appropriate Government shall provide such protection, as may be necessary, at each of the following stages of the process of law as per the protectee's request and consent—

(*a*) during the process of investigation and inquiry;

(*b*) during the trial; and

(*c*) after the trial as warranted by the court as per the threat perception against the individual.

Provisions for safeguarding witness identity.

5. (*1*) It shall be the duty of the appropriate Government to ensure that the identity of the witness enrolled in the witness protection programme is protected.

(*2*) Such protection to witnesses shall only be provided by the State in matters regarding criminal offences.

(*3*) The nature of the protection may be determined by the judge of the competent court depending upon the gravity of the offence committed and the likelihood of harm to the witness.

(*4*) The judge may grant any of the following or a combination thereof of the following protections to the witness—

(*a*) the witness or protectee under the witness protection programme shall attend all trials under in-camera proceedings in the presence of a judicial officer;

(*b*) the protectee shall have the option to request change in his identity for the duration of the trial or permanently or of a duration that exceeds the trial but is not permanent;

(*c*) the protectee shall have the option to request a change of residence for the duration of the trial or permanently or of a duration that exceeds the trial but is not permanent;

(*d*) the judge shall have the power to maintain the anonymity of the protectee in such cases;

(*e*) the protectee shall have the right to request that his or her name or residential address not be revealed in public and that it be redacted in official records;

(*f*) The judge may permit the witness or the protectee to provide evidence and allow the defendant to cross examine the witness by a two-way camera.

(*5*) It shall be the duty of the appropriate Government to ensure that the protectee enjoys the option to practice an alternate occupation that does not compromise his security or the integrity of the case.

Provided that if such a mechanism is not possible, the appropriate Government shall provide an allowance equal to and commensurate to the standard of living of the individual before his participation in the case.

(*6*) In case the protectee is a juvenile, it shall be the duty of the appropriate Government to ensure the continuity of his education until the completion of all levels of the present education programme:

Provided that if protectee wishes to enroll in further education, the appropriate Government shall ensure the availability of the same through distance mode of education and in doing so the security of the individual shall not be compromised in any manner whatsoever.

Custody of original details of the protectee.

6. (*1*) During the course of the investigation and the trial, the details of the Protectee shall be under the protection and custody of the National Witness Protection Council and State Witness Protection Council.

(*2*) The details may be released to individuals or specified agencies on the receipt of an order from the High Court with the appropriate jurisdiction or the Supreme Court, as the case may be.

(*3*) Any other authority or individual who access such details without an order from a High Court or the Supreme Court shall be in the contempt of court and be liable to criminal proceedings.

Transfer of Cases out of original jurisdiction.

7. The High Court or the Supreme Court, as the case may be, presiding over the court of original jurisdiction shall determine the relevance of transferring the case to a place or court, in accordance with section 406 and section 407 of the Code of Criminal Procedure, 1973. 2 of 1974.

Constitution of National Witness Protection Council.

8. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Council to be known as the National Witness Protection Council.

(*2*) The National Council shall consist of,—

(*a*) a retired Chief Justice of India who shall be the Chairperson of the National Council to be appointed by the President on recommendation of the Selection Committee;

(*b*) such number of members not exceeding six whole time members, as recommended by the Selection Committee, to be appointed by the Central Government:

Provided that—

(*i*) not more than two members shall be from a field having proven experience and expertise in social work;

(*ii*) not more than one member shall be from legal field not below the position of a retired judge of the Supreme Court or a High Court; and

(*iii*) two members from the police not below the position of Director General of Police or Commissioner of Police.

(*c*) no social worker shall be appointed as a member of the Board unless such person has been actively involved in rehabilitation or welfare activities for atleast seven years.

(*d*) not more than one member from the National Legal Service Authority, who shall act as the co-ordinating member of the council where cases of inter-State protection are involved.

(*3*) The tenure of the Chairperson and every whole time member of the National Council shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment.

(*4*) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member-Secretary of the National Council.

(*5*) The Central Government shall provide such number of officers and other employees as may be necessary for efficient discharge of functions by the National Council under this Act.

(*6*) The Selection Committee for selection of the Chairperson and members of the National Council shall consist of—

(*a*) Chief Justice of India—Chairperson, *ex officio;*

(*b*) Union Law Minister—member, *ex officio;* and

(*c*) retired Chief Justice of a High Court, Member.

Functions of the National Council.

9. (*1*) The functions and responsibilities of the National Council shall include—

(*a*) laying down policies and principles for making the witness protection programme available under the provisions of this Act;

(b) overseeing implementation of protection to witness after the person has been granted protectee status by the court of law;

(*c*) monitoring and evaluating implementation of the witness protection programme at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;

(*d*) making special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level;

(*e*) allocating funds to the State Witness Protection Councils and the witness cell;

(*f*) conducting regular inspection of any facilities provided under this Act to the witness and take immediate measures for transfer of witness or take necessary action;

(*g*) coordinating and monitoring the functioning of State Councils, witness protection cell and voluntary social service institutions and other legal services organisations and give general directions for the proper implementation of the witness protection programme; and

(*h*) admitting any complaints regarding non-implementation of this Act.

(*2*) The National Council shall work in coordination with other agencies in the discharge of its functions under this Act.

Removal of Chairperson and members.

10. The President, in the case of the Chairperson and the Central Government in consultation with the Chairperson, in the case of a whole time member, by order, remove from office, the Chairperson or any such member of the National Council, if he—

(*a*) has been adjudged an insolvent; or

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(*c*) has become physically or mentally incapable of acting as Chairperson or member; or

(*d*) has acquired such financial or other interests as is likely to affect prejudicially his functions; or has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the Chairperson or any member of the National Council shall not be removed under clause (*d*) of sub-section (*1*) unless he has been given a reasonable opportunity of being heard in the matter.

National Council to implement provisions of this Act.

11. The National Council shall, wherever appropriate, act in coordination with other Governmental and non-Governmental agencies, to implement the provisions of this Act.

Constitution of State Witness Protection Council.

12. (*1*) Every State Government shall constitute a Council to be known as State Witness Protection Council for the State to exercise the powers and perform the functions conferred on or assigned to, a State Council under this Act.

(*2*) A State Council shall consist of—

(*a*) a Chairperson, on whole-time basis, to be appointed by the Chairperson of the National Council in consultation with the Chief Justice of High Court of the State who shall be a retired judge of the concerned High Court;

(*b*) police officer not below the position of Deputy Commissioner of Police as member;

(*c*) such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government and the National Council, to be nominated by the Government in consultation with the Chairperson of the State Witness Protection Council.

(*3*) The State Government, in consultation with State Council, appoint such number of officers and other employees for the discharge of functions of the State Council under this Act.

(*4*) The terms and other conditions of service of officers and other employees of the State Council shall be such as may be prescribed by the Central Government.

Functions of the State Council.

13. (*1*) The functions and responsibilities of the State Council shall include—

(*a*) overseeing implementation of protection to witness after the person has been granted protection by the court of law;

(*b*) ensuring the informed participation of the witness, in every step of the process after the person has been granted protection by law;

(*c*) ensuring that the person's rights are protected throughout the process of apprehending the inquiry, aftercare and rehabilitation;

(*d*) ensuring availability of legal aid through the legal services institutions;

(*e*) wherever necessary, providing an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the witness if he fails to understand the language used in the proceedings;

(*f*) directing the Police Officer to carry out the responsibilities of protecting the witness and protectee;

(*g*) allocating funds received by the State Council to various witness protection cells in the State;

(*h*) conducting regular inspection of any facilities or provided under the Act to the witness and take immediate measures for transfer of witness or take necessary action to ensure their continued and uncompromised protection; and

(*i*) admitting any complaints regarding implementation of the witness protection law.

(*2*) The Chairperson or any member of the State Council shall not be removed under clause (*d*) of sub-section (*1*) unless he has been given a reasonable opportunity of being heard in the matter.

Removal of Chairperson and members of State Council.

14. The Governor, in the case of the Chairperson, and the Central Government in consultation with the Chairperson, in the case of other members, by order, remove from office, the Chairperson or any such member of the State Council, if he—

(*a*) has been adjudged an insolvent; or

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(*c*) has become physically or mentally incapable of acting as Chairperson or member; or

(*d*) has acquired such financial or other interests as is likely to affect prejudicially his functions; or

(*e*) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the Chairperson or any member of the State Council shall not be removed under clause (*d*) of sub-section (*1*) unless he has been given a reasonable opportunity of being heard in the matter.

Salary and allowances.

15. The salaries and allowance payable to and other terms and conditions of the Chairperson and members of the National Council and State Council, shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson and members shall be varied to their disadvantage after their appointment.

Regulation of procedure for holding meetings.

16. (*1*) The National Council or the State Council, as the case may be, shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(*2*) All orders and decisions of the National Council or the State Council, as the case may be, shall be published in such manner as may be prescribed.

Punishments for contravention of the provisions of this Act.

17. Whoever contravenes the provisions of this Act shall be liable—

(*a*) to be punished in accordance with Chapters XVI and XVII of the Indian Penal Code, 1860 if found guilty in a judicial proceedings of committing an offence in relation to a victim.

45 of 1860.

(*b*) in case of a Police officer and officer of the State and relevant State authorities who abdicate their responsibilities or do not perform their duties, to a fine which may extend up to fifty thousand rupees.

Punishment to person divulging information of protectee.

18. Whoever, having any confidential information in relation to the protectee or his whereabouts under this Act, divulges such information to any third party in contravention of this Act, then such person shall be punished for a term which may extend upto three years and also a fine of one lakh rupees.

Termination of protection under this Act.

19. (*1*) The protections under this Act shall be void and terminated if the Court of Law establishes that the protectee gave false testimonies or deliberately misled the authorities and the court.

(*2*) If the protection of a protectee is terminated under sub-section (*1*), he shall be liable to be punishable with imprisonment for a term which may extend up to six months and also fine which may extend up to two thousand rupees.

Duty to inform the witness of his rights.

20. It shall be the duty of the appropriate Government to ensure that the witness is made aware of his rights under this Act and ascertain that he can decide to exercise or not exercise the provisions and protections available to him under this Act.

Protection of action taken in good faith.

21. No suit, or other legal proceedings shall lie against the Central Government, State Government, National Council or State Council or any officer, employees, agency or person acting under the direction either of the Central Government, State Government, National Council or the State Council which is in good faith done or intended to be done in presence of this Act.

Power to remove difficulties.

22. (*1*) If any difficulty arises in giving effect to the provisions of his Act, the Central Government may, by an order published in the Official Gazette, after consultation with the National Council, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

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

STATEMENT OF OBJECTS AND REASONS

The Honourable Supreme Court in the case of Himanshu Singh Sabharwal *Vs.* State of Madhya Pradesh and Ors. 2008, observed that "witnesses are the eyes and ears of the justice system". When a witness to an offence is threatened, killed or harassed, it is not only the witness who is threatened, but also the fundamental right of a citizen to a free and a fair trial is vindicated. When we as the State fail to protect a witness, we as a State fail to uphold our National Motto "Satyameva Jayate".

In Neelam Katara *Vs.* Union of India case the Supreme Court has observed that the edifice of administration of justice is based upon witnesses coming forward and deposing without fear or favour, without intimidation or allurements in court of law. If witnesses are deposing under fear or intimidation or for favour or allurement, the foundation of administration of justice not only gets weakened, but it may even get obliterated. Law Commission in its 198th Report 2005 had also addressed the subject of Witness Protection in India at length.

The need is to strengthen the justice delivery system by implementing a robust law pertaining to witness protection in a manner which ensures a fair trial to both the parties.

The proposed Bill seeks to ensure the protection of witness by—

(*i*) formulation of witness protection programme to be provided to a witness at all stages *i.e.* during the course of an investigation; during the process of trial; and after the judgment is pronounced;

(*ii*) constitution of a "witness protection cell" to prepare a report for the judge of the trial court to examine and grant protection to the witness referred a "protectee" after being admitted in the programme;

(*iii*) constitution of National Witness Protection Council and State Witness Protection Councils to ensure implementation of witness protection programme in its letter and spirit;

(*iv*) providing safeguards to ensure protection of Identity of witness;

(*v*) providing transfer of cases out of original Jurisdiction to ensure that the witness can depose freely;

(*vi*) providing stringent punishment to the persons contravening the provisions; and

(*vii*) prescribing stringent actions against false testimonies and misleading statements.

The Bill seeks to achieve the above objectives.

NEW DELHI; OM BIRLA
November 17, 2015.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that appropriate Government shall provide an allowance to the protectee during course of investigation. It also provides for providing distance modes of education to the protectee. Clause 8 seeks to constitute a National Witness Protection Council. Clause 12 seeks to constitute State Witness Protection Council by State Government. It also provides for appointment of officers and employees to the Council. Clause 15 provides for salary and allowances payable to Chairperson and members of National Council and the State Councils. The expenditure relating to State Governments shall be borne out of the Consolidated Funds of States concerned. The expenditure in relation to Union Territories shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would be involved from the Consolidated Fund of India.

A Non-recurring expenditure of about rupees twenty crore is also likely to be involved.

BILL NO. 273 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. This Act may be called the Constitution (Amendment) Act, 2015. Short title.

2. In article 84 of the Constitution, in clause (b), for the words "twenty-five years", the words "twenty-one years" shall be substituted. Amendment of article 84.

STATEMENT OF OBJECTS AND REASONS

Article 84 of the Constitution provides that a citizen shall not be qualified to be chosen to fill a seat in Parliament unless he is, in the case of a seat in the House of the People, not less than twenty-five years of age. It has been found that many of the countries have specified even eighteen years as the age of getting qualified to be chosen to fill a seat in Parliament.

Young Nation like ours has youth which is politically conscious. They are more literate and have tremendous potential to serve the country, provided they get the opportunity at an appropriate time. Lowering the age for qualification will provide opportunity to youth for becoming part of political process and contribute in nation building. It is, therefore, proposed to reduce the qualifying age for being chosen to fill a seat in the House of the People from twenty-five years to twenty-one years of age.

The Bill seeks to achieve the above object.

NEW DELHI;
November 18, 2015.

DUSHYANT CHAUTALA

BILL NO. 318 OF 2015

A Bill further to amend the Motor Vehicles Act, 1988.

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 Motor Vehicles (Amendment) Act, 2015.

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

59 of 1988

Amendment of section 2.

2. In this Motor Vehicle Act, 1988 (hereinafter referred to as the principal Act), in section 2, after clause (*17*), the following clause shall be inserted, namely:—

''(*17A*) Institute of Driving Training and Research'' means an institution established under sector 215A.''.

Insertion of new section 215A.

3. After section 215 of the principal Act, the following section shall be inserted, namely:—

Establishment of Institutes of Driving Training and Research in every district.

''215A. (*1*) The Central Government for every district in the Union territories and the State Government concerned for every district in the State, shall, by notification in the Official Gazette, establish at least one Institute of Driving Training and Research for carrying out the purposes of this Act.

(*2*) Every Institute of Driving Training and Research established under sub-section (*1*), shall discharge the following functions—

(a) impart training to persons who intend to seek driving licence;

(b) providing periodical refresher course to the drivers;

(c) undertake research on road safety; and

(d) any other function as may be assigned to it by the Central Government or the State Government, as the case may be.''.

STATEMENT OF OBJECTS AND REASONS

According to the Report titled ''Road Accidents in India, 2013'' of the Union Ministry of Road Transport and Highways, the total number of reported road accidents in the year 2012 and 2013 were 4,90,383 and 4,86,476, respectively, and the number of persons killed were 1,38,258 and 1,37,572, respectively. Further, the Severity of accidents (number of persons killed per 100 accidents) for the years 2012 and 2013 was 28.2 and 28.3, respectively. The data indicates that despite the reduction in the number of persons killed during 2013, the accident severity had increased as compared to the previous year.

It has also been noticed that for the year 2013, about 78 per cent. of the road accidents were caused due to human errors *i.e.* due to fault of drivers. These statistics clearly indicate that many drivers who have been given the licence to drive are not properly trained.

Thus, today the country needs an institutional mechanism which can impart holistic training to the licence seekers as well as to the drivers. These institutions shall educate these persons the correct method of driving, get them acquainted with different driving environment and make them educated about road safety rules and regulations. Further, such institutions shall also conduct research and surveys for developing a better road safety guidelines and techniques.

A scheme for setting up a model driving training institute was formulated by the Government and during the 11th Five Year Plan, eight Institutes of Driving Training and research were sanctioned. However, as on date, only three are functional. Hence, there is a need that such institutions in large number with at least one institute per district in the country be established.

The Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to establish at least one institute of Driving Training and Research in each district of the country so that the number of road accidents and consequently the number of deaths in road accidents can be brought down in the country.

Hence this Bill.

NEW DELHI;
November 18, 2015.

DUSHYANT CHAUTALA

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for establishment of at least one Institute of Driving Training and Research by Central Government in each district in the Union territories and State Governments in every district of the State to impart training to persons intending to seek driving licence. The expenditure in relating to the State shall be borne from the Consolidated Funds of the respective States and expenditure relating to Union territories shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure of about rupees fifty two crore and forty lakhs per annum from the Consolidated Fund of India.

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

BILL NO. 319 OF 2015

A Bill further to amend the Hindu Succession Act, 1956.

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 Hindu Succession (Amendment) Act, 2015.

(*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 15.

2. For section 15 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

General rules of succession in the case of female Hindus.

"15. (*1*) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

(*a*) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter);

(*b*) secondly, upon the mother, father and husband;

(*c*) thirdly, upon the heirs of the husband and the heirs of the father; and

(*d*) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-section (*1*),—

(*a*) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (*1*) in the order specified therein, but upon the heirs of the father, if inherited from her father and upon the heirs of the mother, if inherited from her mother;

(*b*) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of son or daughter begotten from the husband from whom or from whose father she inherited the property (including the children of any pre-deceased son or daugher) not upon the other heirs referred to in sub-section (*1*) in the order specified therein, but upon the heirs of the husband; and

(c) any property self-acquired by a female Hindu during the time of desertion shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (*1*) in the order specified therein, but upon the heirs of the father and the mother.".

Insertion of section 24.

3. After section 22 of the principal Act, the following section shall be inserted, namely:—

Certain widows remarrying may not inherit as widows.

"23. Any heir who is related to an intestate as the widow of a pre-deceased son, the widow of a pre-deceased son of a pre-deceased son or the widow of a brother shall not be entitled to succeed to the property of the intestate as such widow, if on the date the succession opens, she has remarried.".

Amendment of the Schedule.

4. (*1*) In the Schedule to the principal Act—

(*i*) under the sub-heading "Class I", for the words "mother; son of a pre-deceased son; daughter of a pre-deceased son;", the words "mother; father; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased son of a pre-deceased daughter; son of a pre-deceased daughter of a pre-deceased son;" shall be substituted.

(*ii*) for the sub-heading "Class II and entries I to IX thereunder", the following sub-heading and entries thereunder shall be substituted, namely:—

"Class II

I. (1) Brother, (2) sister.

II. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

III. Father's father; father's mother.

IV. Father's widow; brother's widow.

V. Father's brother; father’s sister.

VI. Mother's father; mother's mother.

VII. Mother’s brother; mother’s sister.".

STATEMENT OF OBJECTS AND REASONS

The Hindu Succession Act, 1956 provides for certain criteria for the succession of the property of a female Hindu dying intestate. However, the same has not been implemented in its true spurt. The need is that property should not lose the real source from where the deceased female had inherited it.

The rules of inheritance prescribed under the Act are based on the principles of closeness in relationship and love and affection. As parents are as much near as husband, so both should be given equal importance during the succession of property of female Hindus dying intestate.

As female Hindu inherits property from parent as well as husband, therefore, after her death her property should be succeeded by both of them. There is no difference between mother and father as far as love and importance in life is concerned. So both should be treated equally during the succession and distribution of property of the female Hindu.

Moreover, one should not take the benefit of its own wrong. So property can not be given to the delinquent husband who deserted his wife in her lifetime.

The Bill therefore, seeks to amend the Hindu Succession Act, 1956 with a view to provide equal rights to the parents of a female Hindu dying intestate at par with the husband in succession to her property. The Bill also seeks to re-insert the provision pertaining to restriction on the inheritance of the certain widows, who, on the date of opening of succession has got remarried.

NEW DELHI;
November 18, 2015.

DUSHYANT CHAUTALA

BILL NO. 320 OF 2015

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

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 Code of Criminal Procedure (Amendment) Act, 2015.

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

Amendment of section 358.

2. In section 358 of the Code of Criminal Procedure, 1973,— 2of 1974.

(*i*) in sub-section (*1*) for the words "the Magistrate may award such compensation not exceeding one thousand rupees", the words " the Magistrate may either sentence the person so causing arrest or simple imprisonment for a period not exceeding thirty days or award such compensation, not exceeding ten thousand rupees" shall be substituted.

(*ii*) in sub-section (*2*), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 358 of the Code of Criminal Procedure. 1973 prescribes compensation to persons, who are arrested groundlessly. However, various cases pertaining to malicious and vexatious complaints and investigation with regard to misuse of section 358 has been registered. The need is to check exploitation of the common man at the ends of the police and help to reduce harassment of innocent citizens in lieu of false complaints. Further, the accountability of policemen needed to be increased while investigating a complaint and also making the complainant accountable in case the complaint is proved to be a false one. The increase of accountability will keep a check on corruption and strengthen trust of a common man in police and law.

The Bill, therefore, seeks to amend the Code of Criminal Procedure, 1973 with a view to inflict simple imprisonment to the person causing groundless arrest of another person in addition to fine in order to check the misuse of the powers and increase the accountability of police while investigating the complaint.

Hence this Bill.

NEW DELHI;
November 18, 2015.

DUSHYANT CHAUTALA

BILL NO. 342 OF 2015

A Bill to provide for the citizenship rules of refugees and asylum seekers.

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 National Asylum Act, 2015.

(*2*) It extends to 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, the unless context otherwise requires,—

(*a*) "asylum seeker" means a foreigner who seeks recognition and protection as a refugee;

(*b*) "country of origin" means the refugee's country of nationality, or if he has no nationality, his country of former habitual residence;

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

(*d*) "refugee" means a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country;

(*e*) 'Refugee Committee' means Appellate Committee on Refugees constituted under section 4; and

(*f*) "Refugee Registrar" means Registrar for Refguees appointed under section 4.

Registration of refugees.

3. Where an asylum seeker requests to be recognized as a refugee either at the point of entry of any legally defined Indian borders or subsequently, the Refugee Registrar shall act in accordance with the definition of refugee as laid down in clause (*d*) of section 2 to determine whether the asylum seeker may be granted refugee status or not.

Constitution of Registration Authorities.

4. (*1*) In order to implement the provision of this Act, the Government shall appoint—

(*a*) a Registrar of Refugees, having such qualification, as may be prescribed, who shall receive and consider applications for refugee status and make decisions; and

(*b*) a Refugee Committee, consisting of three members, namely, a retired High Court Judge designated by Government of India in consultation with Chief Justice of the Supreme Court of India and two independent members who shall have experience of not less than five years in refugee related matters, which shall be an appellate authority to receive and consider applications for consideration of citizenship status if the refugee fulfils the condition as laid down in this Act.

(*2*) The salary and allowances payable to, and other terms and conditions of service of Registrar of Refugees and members of Refugee Committee shall be such as may be prescribed.

Ceasing of Refugee Status.

5. The refugee status shall cease to apply to any person if—

(*a*) he voluntarily re-avails himself of the protection of the country of his nationality; or

(*b*) having lost his nationality, he voluntarily re-acquires it; or

(*c*) he acquires a new nationality and enjoys the protection of the country of his new nationality; or

(*d*) he voluntarily re-establishes himself in the country which he left or outside which he remained owing to fear of persecution; or

(*e*) he commits a crime against peace; or

(*f*) he no longer refuses to avail himself of the protection of the country of his nationality because of the circumstances in connection with which he was recognized as a refugee have ceased to exist; or

(*g*) he commits a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect to such crimes.

General obligations.

6. (*1*) Every refugee shall abide by the laws and regulations and measures taken for the maintenance of public order.

(*2*) The Central Government shall apply the provisions of asylum without discrimination to race, religion or country of origin of the refugee.

(*3*) The Central Government shall accord to refugees similar treatment and facilities as are available to citizens of India with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Registration in case of Mass influx.

7. To handle the situation of mass influx of refugees, the Central Government may appoint officers under the Refugee Registrar to register the refugees at the entry point of borders in accordance with the provisions of this Act.

Granting Citizenship rights to Refugees.

8. (*1*) A refugee who has been legally provided the status of refugee by Refugee Registrar and has been domiciled in a region of country for five or more years shall be eligible to apply to Refugee Committee for grant of Indian citizenship.

(*2*) The child of a refugee registered under section 3, who has got birth in the territory of India and has been registered with and verified by the Refugee Committee of his actual birth place shall be given the rights of citizenship in accordance with the Citizenship Act, 1955. 57 of 1955.

Exceptional circumstances.

9. Nothing in this Act shall prevent the Central Government, in time of war or other grave and exceptional circumstances, from taking such provisional measures as it considers to be essential to the national security in the case of a particular person, pending determination of refugee status of that person and continuance of such measures as are necessary in his case in the interests of national security.

Repatriation at free will.

10. (*1*) The repatriation of refugees shall take place at their free volition expressed in writing or other appropriate means which shall be clearly expressed.

(*2*) The voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of safety to the country of origin shall be respected.

Central Government to provide funds.

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

Act to have overriding effect.

12. 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.

13. (*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

Since independence, over forty million refugees have crossed Indian borders, seeking refugee status, against a hinterland of political strife, economic inequality and ethnic tensions. Partition of the country led to over seven million refugees being provided emergency relief and resettlement by the Ministry of Rehabilitation. While the issues related to their citizenship rights was, to an extent, dealt of by the Ministry of Rehabilitation, whereas, the issues related to their citizenship rights was, to an extent, dealt with at the time based on provisions of the Citizenship Act, 1955 and subsequent amendments. However, the refugees from other countries were not mainstreamed in the Indian population.

India is a signatory to various human rights conventions on refugees (ICCPR, ICECR, CRC, ECERD, CEDAW)—all requiring adherence to the principle of refoulement. However, such international obligations have not translated into legislation at the national level. Refugee conditions in India's urban clusters remain parlous. Housing insecurity remains a significant concern, with most refugees in their areas reporting restricted access to accommodation, discrimination by landlords and eviction due to not having legal documents of citizenship in the country.

The country is a refugee haven absorbing Tibetans in 1959, Bangladeshis in 1971, Chakmas in 1963, Sri Lankan Tamils in 1983 onwards and Afghan refugees in 1980. The largest refugee population in India do not fall under the mandate of UNHCR but are nonetheless considered refugees by the Government. At present, there are over 1,50,000 Tibetans and 90,000 Sri Lankans who have fled violence and persecution and sought refuge in India besides 11000 Afghans and 4621 from Myanmar, etc. This provides the country which maintains the culture of tolerance and forbearance with the grave situation of human rights violations if these refugees have to stay as refugees all throughout their lives with generations to follow.

As per UNRWA report, of the 19.5 million people term refugee, just 126,800 returned to their countries of origin in 2014. In such situation it becomes a responsibility of the country to provide relief to the refugees in the situation of strife to give them freedom from arbitrary detention and protection by regularizing them in the citizenry if certain conditions are followed.

Hence this Bill.

NEW DELHI;
November 18, 2015.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the appointment of Registrar of Refugee and Refugee Committee for receiving and considering application of refugee states. Clause 7 provides for appointment of officers under the Refugee Registrar to register the refugees at the entry point of border. Clause 11 provides that Central Government shall provide requisite funds to the Refugee Committee for carrying out the purposes of this Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum would involve from Consolidated Fund of India.

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

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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. 306 OF 2015

A Bill to provide for special financial assistance to the backward region of Bundelkhand for the purpose of ensuring the welfare of farmers, agricultural labourers, landless labourers, poor women, old aged persons and the unemployed youth and for the development, exploitation and proper utilization of its resources.

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 Special Financial Assistance to the Backward Region of Bundelkhand Act, 2015.

(*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 backward region of Bundelkhand.

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 backward region of Bundelkhand to meet the costs of such schemes of development, as may be undertaken by the States of Uttar Pradesh and Madhya Pradesh with the approval of the Government of India for the purpose of ensuring the welfare of farmers, farming labourers, landless labourers, poor women, the old and the unemployed youth and for the development, proper utilization and exploitation of the resources in the State.

Act not in derogation of other laws.

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.

STATEMENT OF OBJECTS AND REASONS

Bundelkhand region has been subjected to economic, social backwardness other than being riddled with the lack of water resources. There is an urgent need to address the issues of pitiable condition of farmers and agricultural labourers, potable water, water for irrigation, waiver of interest on agricultural loan, poverty, illiteracy and unemployment in the Bundelkhand region. There is a need to introduce planned financial management, planned monitoring, optimal utilization of resources and launching of new schemes for welfare of farmers, farm labourers, women, the old aged, the unemployed youth and overcome the problem of backwardness of the region. Therefore, it is necessary that the Central Government should provide financial assistance to the State Governments of Uttar Pradesh and Madhya Pradesh for the overall development of Bundelkand region. Financial assistance to the Bundelkhand region shall prove to be a milestone to reinforce the availability of equal opportunity and prevalence of Justice and national unity in the backward areas.

Hence this Bill.

NEW DELHI;
November 18, 2015.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of money out the Consolidated Fund of India as Parliament may, by due appropriation provide as special financial assistance to Bundelkhand region to meet the costs of such schemes of development as may be undertaken by the States of Uttar Pradesh and Madhya Pradesh with the approval of the Government of India.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the amount to be disbursed as special financial assistance to Bundelkhand region by due appropriation of law by Parliament shall be determined after the schemes to be implemented by the State Government with the approval of the Central Government. At this stage, it is not possible to estimate the recurring expenditure to be incurred from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved in this behalf.

BILL NO. 308 OF 2015

A Bill to provide funds to the States affected with drought for construction and maintenance of water resources for irrigation; interest-free agricultural loans for protection of farmers of the drought prone area; encouragement to bio-farming and action plan for the creation of market for agricultural produce 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 commencement.

1. (*1*) This Act may be called the Drought Control and Protection of Farmers of Drought Prone Areas Bill, 2015.

(*2*) It extends to the whole of India.

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

Definitions.

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

(*a*) "drought prone areas" means the areas consistently receiving below normal rainfall and includes such areas which in the opinion of Central Government are drought prone areas and declared as such, by notification in the Official Gazette, in consultation with the State Governments concerned; and

(*b*) "irrigation infrastructure" means infrastructure such as canal, dam, tube well, pump canal (lift canal), pipeline, river linking including construction and preservation of lakes and ponds.

Funds to the State for development and maintenance of irrigation infrastructure in drought prone areas.

3. The Central Government shall provide adequate funds to the State affected with drought particularly for making availability of water for irrigation purposes and to carry out development and maintenance of irrigation infrastructure in the drought prone areas of that State.

Interest-free agricultural loans to farmers.

4. The Central Government shall provide interest-free agricultural loans from Nationalised banks to the farmers of the drought prone areas in such manner as may be prescribed.

Insurance Scheme.

5. (*1*) The Central Government shall formulate a Crop Insurance Scheme for the welfare of farmers of the drought prone areas.

(*2*) The payment of premium in respect of insurance shall be borne by the Central Government.

Payment of Agricultural bonus.

6. It shall be the duty of the Central Government to pay the bonus for the sale of crops produced by the farmers of the drought prone areas directly into the accounts of the farmers through electronic payment.

Encouragement to bio-farming.

7. (*1*) The Central Government shall encourage and formulate action plan for bio-farming in the drought prone areas.

(*2*) The action plan for the bio-farming in the drought prone areas shall *inter-alia* include—

(*a*) provision for payment of encouragement amount to farmers engaged in bio-farming;

(*b*) insurance for bio-farming; and

(*c*) marketing of the bio-farming products.

Central Government to provide funds.

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

Power to give directions.

9. The Central Government may give such directions to the Government of any State having drought prone areas within its territorial jurisdiction, as may appear it to be necessary for carrying out in the State any provisions of this Act or of any rule made thereunder.

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 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 the rule.

STATEMENT OF OBJECTS AND REASONS

The problem of non-availability of water for irrigation and drinking purposes in Bundelkhand region has turned out to be a grave issue. This region traditionally has been an agricultural based region and for this purpose the popular local Chandel Kings had initiated many schemes during their regime whose archaeological evidences are still present here and is hopeful of a new research in this regard. Many development blocks of Hamirpur Parliamentary constituency have been declared as "dark zone" by the Government. People are left with no choice other than hoping for a divine intervention which is the last resort of the disappointed Indian society. Such areas are spread over various geographical conditions in the whole country and there is a need to provide potable water without any further delay to the said areas. Initiation of irrigation schemes and farmer protection schemes remains the only way out for the distressed people of the region and such a step will encourage the people to work for the development of the country with full energy.

The Bill, therefore, seeks to provide for the construction and maintenance of water resources and irrigation infrastructure like canal, dams, tube well, pipeline, pump canal (lift canal) river linking, preservation of lakes and pond for drought control in the country; interest-free agricultural loans for protection of farmers of the drought prone area; and encouragement to bio-farming and action plan for the creation of market for agricultural produce and for matters connected therewith.

Hence this Bill.

NEW DELHI;
November 18, 2015.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Central Government shall provide adequate funds to the drought affected states for making available water for irrigation and carrying out development and maintenance of irrigation infrastructure in drought prone areas. Clause 4 provides for proceeding interest-free agricultural loans from Nationalised banks to the farmers of drought prone areas.

Clause 5 provides for the formulation of a Crop Insurance Scheme for the farmers of drought prone areas. It also provides that the premium in respect of crop insurance shall be borne by the Central Government. Clause 6 provides for payment of agricultural bonus to the farmers of drought prone areas. Clause 7 provides for payment of encouragement amount and insurance for bio-farming by the Government. Clause 8 provides that Central Government shall provide requisite funds for carrying out the purposes of this Act.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to estimate the amount likely to be incurred from the Consolidated Fund of India. It is estimated that a sum of about rupees One thousand Crore would be involved as recurring expenditure per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved in this behalf.

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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 matters of detail only the delegation of legislative power is of a normal character.

BILL NO. 276 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. This Act may be called the Constitution (Amendment) Act, 2015. Short title.

2. In article 84 of the Constitution, for clause (*b*), the following clause shall be substituted, namely:— Amendment of article 84.

"(*b*) is, in the case of a seat in the Council of States, not less than twenty-five years of age and, in the case of a seat in the House of the People, not less than twenty-one years of age; and".

Amendment of article 173.

3. In article 173 of the Constitution, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) is, in the case of a seat in the Legislative Assembly, not less than twenty-one years of age and, in the case of a seat in the Legislative Council, not less than twenty-five years of age; and".

STATEMENT OF OBJECTS AND REASONS

After sixty-eight years of independence, India has witnessed a great change. Changes have occurred not only to various indications of development such as food, health, education, housing but also considerably on intellectual level. The literacy rate of the country is continuously increasing so is the development in social, economic, cultural and intellectual level of common man. Our country and society is witnessing all round development. Political awareness is also very much evident. The age to vote in the country is eighteen years and the minimum age to be appointed on a responsible Government post is twenty-one years. However, on the contrary, the minimum age for being chosen to fill a seat in the House of the People is twenty-five years. This does not seems to be justified when we at the age of eighteen years can elect our representative and are eligible to be appointed on responsible posts at twenty-one years. As such, there should not be any compulsion to attain the age of twenty-five years to serve the people as their elected representative in the House of the People.

The Bill proposes for lowering of the age to twenty-five years and twenty-one years for being chosen to fill a seat in the Council of States and the House of the People, respectively. Besides this, the age for being chosen to fill a seat in the Legislative Assembly of a State, should not be less than twenty-one years and, in the case of a Legislative Council of a State it should not be less than twenty-five years so that the youth can contribute in national and public service in a right direction. This would be a change of the era which would infuse the country and the society with a new energy and speed.

India is a country of the youth, where, the largest youth population of the world lives. If the population of the youth in the country is largest, their representation in the Parliament and Legislative Assemblies should also be in proportion of their numbers. As a result of this provision, politics will reach to better heights. Consequently, the benefit of the efficient, spilled and dynamic youth having sincere and deep interest in politics will go to our parliamentary tradition of democratic system. This is the need of the hour, and hence it is our duty to assimilate all those youths in these important institutions of democracy, as soon as possible. At the initial stage of life the efficiency and success of the power of the youth is evident and their maximum contribution may be availed of at this juncture. In order to fulfil those objectives, there is a need to lower the minimum age for being chosen to fill a seat in Parliament and Legislative Assemblies and Legislative Councils of the States.

Hence this Bill.

NEW DELHI;
November 18, 2015.

RAJEEV SATAV

BILL NO. 282 OF 2015

A Bill to rationalise the consultancy and other medical services fees for making them affordable for the common man 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 Medical Consultancy and Other Services (Rationalisation of Fees) 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.

Definitions.

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

(*a*) "Committee" means the Medical Consultancy and Other Services Rationalisation of Fees Committee constituted under section 3;

(*b*) "diagnostic laboratory" means a place owned or run by an industrial or a group of persons or by a private or corporate hospital where pathological tests or investigations are conducted on the advice of a bonafide medical practitioner or consultant;

(*c*) "medical consultancy and other services" includes,—

(*i*) consultancy by qualified medical practitioners in all branches of medicines/surgery including alternative branches, namely, Allopathy, Homoeopathy, Ayurveda, Unani and Siddha, whether in private clinics or in the private or corporate hospitals;

(*ii*) all such pathological tests as are prescribed by the qualified doctors whether in a private clinic or in a private and/or corporate hospital; and

(*iii*) all such scanning or imaging services, namely, x-ray, ultra sound, MRI, or CT scan, whether in a private clinic or in a private/corporate hospital.

(*d*) "medical practitioner" means a person legally qualified and duly registered by the Medical Council of India and engaged in the business of consultancy and providing advice to patients whether as a private practitioner or in a private corporate/ hospital; and

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

Constitution of the Medical Consultancy and Other Services Rationalisation of Fees Committee.

3. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Committee to be known as the Medical Consultancy and Other Services Rationalisation of Fees Committee to determine the fees of a medical practitioner and prices of pathological tests, scanning and imaging.

(*2*) The Committee shall consist of—

(*i*)	the Minister of Health and Family Welfare, Government of India	—	*Chairman, ex-officio*
(*ii*)	Chairman of the Department-related Parliamentary Standing Committee on Health and Family Welfare	—	*member*
(*iii*)	three representatives of major Hospitals/Laboratory Including Government run Hospitals/Laboratory	—	*member*
(*iv*)	three representatives of the Non-Governmental Organisation in the health sector;	—	*member*
(*v*)	two representatives of Medical Practitioners	—	*member*
(*vi*)	one representative each from the National Political Parties	—	*member; and*
(*vii*)	Secretary to the Government of India Ministry of Health and Family Welfare.	—	*Secretary, ex-officio*

(*3*) Members under clauses (iii), (iv) and (v) shall be appointed by the Central Government in such manner as may be prescribed.

(*4*) Members under clause (vi) shall be appointed by the Central Government on the recommendation of the respective political party.

Central Government to provide Assistance to the Committee.

4. The Central Government shall provide the Committee such assistance as may be necessary for the efficient functioning of the Committee.

Functions of the Committee.

5. The Committee shall —

(*i*) determine the consultancy fees to be charged by the medical practitioners from patients either in their private clinics or in a private hospital/corporate hospital after taking into consideration such factors as may be necessary;

(*ii*) determine the rate for the pathological tests and scanning taking into the consideration the inputs used in carrying out the tests;

(*iii*) encourage private practitioners to organize free medical camps on a regular basis to provide free consultancy for the local community.

Mandatory display of consultancy and other fees.

6. (*1*) No Medical practitioner shall charge from any patient the fee exceeding the fee fixed by the Committee;

(*2*) It shall be mandatory for every medical practitioner and diagnostic laboratory to display the fees as determined by the Committee in such manner as may be prescribed.

Penalty.

7. (*1*) Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term not less than one year and with fine which may extend up to five lakh rupees.

(*2*) Where an offence under this Act has been committed by a company/hospital/laboratory, the license of such company/hospital/laboratory shall be cancelled forthwith.

Explanation.—For the purpose of sub-section (*2*), "company", means any body corporate, and includes a firm or other association of individuals.

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

The medical practitioners are charging exorbitant consultancy fees from patients ranging from rupees five hundred to two thousand per visit. The pathological tests and scanning, etc. in the private hospitals are exceedingly expensive and becoming out of reach for the common people. The Government is committed to provide health services free of cost to its citizens regardless of their economic status. However, considering the size of our population and the unmatched health facilities, it is imperative that the private practitioners either in their private clinics or in the private/corporate hospitals should provide the medical consultancy at a reasonable price which can be afforded by a common man, particularly when the majority of private hospitals are running on the leased Government land and the private clinics do not pay commercial charges for their premises from where they run their clinics. The consultancy fee of private medical practitioners is arbitrarily high. As a result, the Government hospitals are overcrowded with patients. In this background, it is felt that the consultancy by the private medical practitioners and other medical services all over the country needs to be rationalized.

It is therefore, proposed to constitute a Committee to fix the consultancy fees and pathological and other test charges, promote the free medical campus and rationalizes the fees for medical services for the poor.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 18, 2015.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Medical Consultancy and Other Services Rationalisation of Fees Committee to rationalize the medical services fees. Clause 4 provides that the Central Government shall provide assistance to the Committee for its efficient functioning. The Bill, therefore, if enacted, would involve expenditure for the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

No non-recurring expenditure of is likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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. 291 OF 2015

A Bill to provide for determining of fare structure of all airlines operating 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.

1. This Act may be called the Airlines (Fare Structure) Act, 2015.

Determination of air fare by the Central Government.

2. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall determine the fare to be charged by any airline for air travel by passengers.

(*2*) The Central Government shall, before determining the fare to be charged by any airline, take into account the following factors—

(*i*) traffic of passengers on any route;

(*ii*) geographical location of the destination;

(*iii*) distance between starting place and destination;

(*iv*) cost of fuel including air jet fuel; and

(*v*) facilities offered by an airline.

Airlines not to charge excess fare.

3. Every airline operating in the country, either on domestic route or international route, shall not charge fare more than that determined under section 2.

Suspension or cancellation of licence of airline.

4. (*1*) If any airline charges more fare than the fare determined by the Central Government or cancels any scheduled flight without adequate reason or does not provide the facilities for which the airline charges from the passengers, the licence of such airline shall, in the first instance, be suspended for one month immediately after hearing the view point of the airline:

Provided that if the Central Government is satisfied that the provisions of this sub-section were violated due to genuine difficulty faced by the airline, the Central Government may not suspend the licence or may remove the suspension.

(*2*) Where any airline after suspension of licence under sub-section (*1*) violates the provision of that sub-section (*1*) again, the licence of such airline shall be cancelled by the Central Government:

Provided that the Central Government shall before taking a decision on cancellation of licence of an airline shall give reasonable opportunity of being heard, to such airline.

Compensation to passengers.

5. Notwithstanding anything in section 4, an airline shall also make compensation to the passengers, if—

(*i*) the scheduled flight is cancelled or delayed for more than two hours;

(*ii*) it over charges; and

(*iii*) it does not provide the facilities it offered to the passengers at such rates as may be determined by the Central Government.

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 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

Airlines charge exorbitant rates. Scheduled flights are delayed or cancelled at the last minute causing great inconvenience to passengers. Nowadays, a large number of people are travelling by air. Airlines don't have any criteria to fix the fares. During festive seasons and holiday season, the prices sky rocket and virtually there is no check on the fares charged by airlines.

The facilities that are offered are also withdrawn at the last moment. Government has no control over airlines. There is no mechanism to protect the passengers.

The Bill, therefore, seeks to provide for determining of fare structure of all airlines operating in the country.

Hence this Bill.

NEW DELHI;
November 18, 2015.

M.K. RAGHAVAN

BILL NO. 343 OF 2015

A Bill to provide for constitution of a Railway Security Force to protect property of railways and passengers travelling in trains and for matters connected therewith.

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

Short title and commence-ment.

1. (*1*) This Act may be called the Railway Security Force Act, 2015.

(*2*) 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*) "Force" means the Railway Security Force constituted under section 3; and

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

Constitution of Railway Security Force.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall constitute a Force to be known as Railway Security Force to protect the property of Railways and lives and property of passengers travelling in trains.

(*2*) The headquarters of the Force shall be at New Delhi and a camp office of the Force shall be set up in every district.

(*3*) The Force shall be headed by an Inspector General and consist of such number of personnel as may be deemed necessary to carry out the purposes of this Act.

(*4*) The salaries and allowances payable to, and other terms and conditions of service of the personnel of the Railway Security Force shall be such as may be prescribed.

Functions of Railway Security Force.

4. The Railway Security Force shall—

(*i*) provide adequate protection to the property of the railways;

(*ii*) provide, by taking adequate steps like installation of Closed Circuit Television Camera (CCTV), protection to lives and property of passengers travelling in trains, especially women passengers;

(*iii*) assist the passengers and the Railway at the time of accidents of trains;

(*iv*) ensure repair of rails damaged due to any reason; and

(*v*) man the unmanned railway gates.

Power to make rules.

5. (*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 more successive sessions, and it, 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 numerous cases of looting and dacoity in train journeys. Women passengers are also harassed. There is virtually no security to the passengers. Railway property is also damaged. At the time of train accidents, delay is caused due to reaching of staff at the site very late. Therefore, it is proposed to constitute a separate force to protect railways.

Hence this Bill.

NEW DELHI;
November 18, 2015.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute an exclusive Railway Security Force to protect property of railways and lives and property of passengers. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty thousand crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rule will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 344 OF 2015

A Bill to provide for financial assistance for upgrading of hospitals in all Talukas in the country and for matters connected therewith.

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 Provision of Financial Assistance (for Upgrading of Hospitals) Act, 2015.

(*2*) 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, "facilities" means—

(*a*) fully equipped dispensary including facilities for diagnostics, x-ray, ultra sound, ECG and ECHO;

(*b*) medicines;

(*c*) dialysis centre; and

(*d*) prevention, detection and treatment facilities for cancer.

Financial Assistance to hospitals at Taluka level.

3. (*1*) The Central Government shall provide adequate financial assistance to every State Government for the purpose of creating facilities in one selected hospital in every Taluka.

(*2*) The annual cost of running the hospital and its maintenance shall be shared by the Central Government and the State Government in the ratio of 30:70.

Power to make rules.

4. (*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

Nowadays, healthcare has become unaffordable for the common man. In Government hospitals, there are no modern facilities. Poor people have to run from pillar to post to get the treatment. Therefore, it is suggested that all facilities including dialysis treatment should be provided in all hospitals at Taluka level. For this purpose, it is proposed that the Central Government shall provide adequate financial assistance to every State Government. This would go a long way to reach out to the poor people.

Hence, this Bill.

NEW DELHI;
November 18, 2015.

M. K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide adequate financial assistance to State Governments for creating facilities in one selected hospital in every taluka in the country. The Bill, therefore, if enacted, would involve recurring expenditure of about rupees twenty thousand crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 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. 292 OF 2015

A Bill to provide for financial assistance to the States for cleaning and dredging of rivers 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 Cleaning of Rivers (Provision of Financial Assistance) Act, 2015.

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

Central Government to provide financial assistance for cleaning and dredging of rivers.

2. (*1*) The Central Government shall provide such financial assistance, as may be necessary, to the State Governments for the purpose of cleaning and dredging such rivers and construction of such bath ghats, as may be recommended by the State Governments in their detailed report under sub-section (2).

(*2*) Every State Government shall prepare and forward a detailed report to the Central Government about the rivers within the State which require cleaning or dredging or construction of bath ghats in such manner and containing such details, as may be prescribed by rules made under this Act.

(*3*) The Central Government shall, on receipt of a detailed report from a State Government, select one or more rivers in that State after taking into consideration the following factors, namely:—

(*a*) length and breadth of the river;

(*b*) utility of the river, especially in farming;

(*c*) geographical location like hills or terrain of the river; and

(*d*) whether it is a holy river and frequented by public in large number.

Central Government to release requisite money.

3. The Central Government shall release the requisite money for cleaning and dredging of selected river and construction of selected bath ghats to a State Government within a period of six months from the receipt of detailed report under sub-section (2) of section 2.

Power to make rules.

4. (*1*) The Central Government may 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

India has a very vast water source but not utilized properly. Rivers are unclean, dirty and polluted. Dredging is also required to control floods. For some holy rivers, lakhs of people visit every year and take bath but no facilities are available there.

State Governments do not have enough funds to clean the rivers. Therefore, it is proposed that the Central Government should extend financial assistance for cleaning rivers.

NEW DELHI; M.K. RAGHAVAN

November 18, 2015.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide financial assistance to State Governments for cleaning and dredging of the rivers and construction of bath ghats. Clause 3 provides that Central Government shall release requisite money to State Governments for cleaning and dredging of rivers. The Bill therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees two thousand crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 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. 307 OF 2015

A Bill further to amend the Food Safety and Standards Act, 2006.

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 Food Safety and Standards (Amendment) Act, 2015.

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

Amendment of section 3.

2. In section 3 of the Food Safety and Standards Act, 2006, (hereinafter referred to as the principal Act), in sub-section (*1*), in clause (*zz*), after sub-clause (*vii*), the following sub-clause shall be inserted, namely:—

"(*viia*) by injecting chemical into any food, vegetable or fruit in order to early ripen or colour which is not permitted;".

Amendment of section 65.

3. In section 65 of the principal Act, in sub-section (*1*), for clauses (*a*), (*b*), (*c*) and the provisos thereunder, the following clauses and provisos shall be substituted, namely:—

"(a) not less than rupees twenty lakh in case of death;

(b) not less than rupees ten lakh in case of grievous injury;

(c) not less than rupees five lakh in other cases of injury; and

(d) not less than rupees two lakh in case of minor injury:

Provided that the compensation shall be paid at the earliest and in no case later than three months from the date of occurrence of the incident:

Provided further that in case of death, an interim relief of not less than rupees ten lakh shall be paid to the next of the kin within thirty days of the incident.".

STATEMENT OF OBJECTS AND REASONS

The Food Safety and Standards Act, 2006 provides for regulation of manufacture, storage, distribution, sale and export of articles of food to ensure availability of safe and wholesome food for human consumption. However, the present Act fails to address the issue of early ripening of fruits or vegetables by injecting harmful chemicals into them. The regulation for the same is urgently required. Moreover, the Act also provides for compensation in case of injury or death of consumer, which does not commensurate with the gravity of offence committed. Therefore, it is proposed to enhance the compensation and payment of the same in a time bound manner.

The Bill, therefore, seeks to amend the food Safety and Standards Act, 2006 with a view to—

(*i*) include act of early ripening of fruits or vegetables by injecting harmful chemicals or adding colours to make food unsafe as offence; and

(*ii*) enhance the compensation for offences in case of injury or death of consumer.

Hence, this Bill.

NEW DELHI;
November 18, 2015.

CHANDRAKANT KHAIRE

BILL NO. 321 OF 2015

A Bill to provide for payment of minimum wages to workers and others and for matters connected therewith.

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

Short title.

1. This Act may be called the Payment of Minimum Wages (for Workers and Others) Act, 2015.

Payment of minimum wages to workers, etc.

2. Notwithstanding anything contained in any other law for the time being in force or any judgement, decree or order of any court to the contrary, the minimum wages shall be as follows:—

(*a*) for unskilled workers, rupees five hundred per day;

(*b*) for semi-skilled workers, rupees one thousand per day;

(*c*) for skilled workers, rupees seven hundred fifty per day;

(*d*) for clerical work for those who have completed class twelve, rupees eight hundred per day;

(*e*) for supervisors, rupees one thousand per day; and

(*f*) for managers, rupees one thousand and two hundred per day.

Revision of minimum wages by the Central Government.

3. The minimum wages referred to in section 3 shall be revised by the Central Government every three years according to increase in cost of living index in such manner as may be notified by the Central Government.

Fixation of minimum wages of a skilled worker.

4. Where an organisation or establishment makes payment of minimum wages on a monthly basis, the minimum monthly wages of a skilled worker and manager shall not be less than rupees fifteen thousand per month and rupees thirty-five thousand per month, respectively, and minimum wages per month of other persons referred to in section 2 shall be increased thirty times their daily wages.

Powers to make rules.

5. (*1*) The Central Government may 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

The Payment of Minimum Wages Act, 1948 enacted many years back does not in practice guarantee of minimum wages to workers and the wages have been left to the State Governments for their implementation. However, in practice even skilled workers are getting meagre wages and compelled to work for long duration to earn that meagre wages. There is no provision of revision of wages from time to time with the increase in cost of living index. Therefore, it is proposed to fix the minimum wages specifically and also to provide for revision from time to time.

Hence this Bill.

NEW DELHI;
November 18, 2015.

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of certain minimum wages to workers and others engaged in any organisation or establishment, payment of higher minimum wages to workers engaged in Central Government establishments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees two crore *per annum* would be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame 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 normal character.

BILL NO. 274 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 Constitution (Amendment) Act, 2015. Short title.

2. In article 371 of the Constitution, in clause (2),— Amendment of article 371.

(*a*) for the words, "President may by order", the words "President shall by order" shall be substituted; and

(*b*) in sub-clause (*c*), after the words "vocational training,", the words "facilities to farmers," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Article 371 of the Constitution makes a special provision with respect to the States of Maharashtra and Gujarat. But the provision is only optional and not mandatory. It should be made mandatory in order to ensure proper development of the States. Moreover, farmers are facing a lot of problems in States of Maharashtra and thousands of farmers are committing suicide every year. Therefore, provision for facilities to farmers has to be made in the Constitution so that some facilities can be provided to farmers in the States of Maharashtra and Gujarat.

Hence this Bill.

NEW DELHI; CHANDRAKANT KHAIRE

November 18, 2015.

BILL NO. 287 OF 2015

A Bill to provide for prohibition and for matters connected therewith.

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 Act, 2015.

(*2*) It extends to the Union territories only.

Prohibition.

2. Nothwithstanding anything contained in any other law for the time being in force, the Central Government shall, within a period of six months from the coming into force of this Act, by notification in the Official Gazette, impose a total prohibition in the Union territories.

Punishment.

3. (*1*) After the issue of notification under section 2, no person shall manufacture, sell, trade, export or import liquor in any Union territory.

(*2*) Whoever violates the provision of sub-section (*1*) shall be punished with imprisonment for a term which shall not be less than two years and also with a fine of rupees one lakh.

Reimbursement of loss to the States.

4. All States having a prohibition law in force and any State which enacts a prohibition law after the coming into force of this Act, shall be reimbursed by the Central Government, the loss of revenue on account of prohibition for a period of five years to the extent of one-half of such revenue loss.

Power to make rules.

5. (*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 of both the Houses agree that the rule should not be made, the rules 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 has been seen that many of the grave and serious crimes are committed under the influence of liquor. Youth even at the age of teens have started drinking. They follow their role models especially in movies and have made this a regular habit. Not only the families of those who drink are affected but the Government also has to bear the health cost due to frequent medical care required by heavy drinkers. Some of the State Governments are not able to impose prohibition because of a huge revenue they get by sale of liquor. In fact, some of the State Governments fix a target for sale of liquor during festival seasons.

Drinking is not India's culture. We have imported it from the west. Therefore, it is high time of total prohibition is imposed throughout the country. Initially, some State Governments will lose revenue on acount of this and the Central Government can compensate for a few years.

Hence this Bill.

NEW DELHI;
November 18, 2015.

KODIKUNNIL SURESH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall reimburse the loss of revenue on account of prohibition for a period of five years to the extent of half of such revenue loss to the State Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees five thousand crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 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 legisative power is of a normal character.

BILL NO. 309 OF 2015

A Bill to provide for setting up of residential schools for children belonging to the Scheduled Castes and the Scheduled Tribes and for matters connected therewith.

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 Residential Schools (For Scheduled Castes and Scheduled Tribes) Act, 2015.

(*2*) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

Central Government to set up residential schools for the Scheduled Castes and Scheduled Tribes.

3. (*1*) The Central Government shall set up a residential school in every area having such high population of the Scheduled Castes or the Scheduled Tribes as the Central Government may deem appropriate.

(*2*) The residential school shall cater to children belonging to the Scheduled Castes and Scheduled Tribes only.

(*3*) The residential school shall conduct classes from nursery to twelfth standard.

(*4*) The medium of instruction shall be English, Hindi and the language of the State in which the school is situated.

(*5*) No fees or other expenses, whatsoever, shall be charged from any student and the education shall be imparted free of cost.

Appropriate Government to provide land for setting up of residential schools.

4. The appropriate Government shall provide land free of cost for setting up of residential schools within its territorial jurisdiction and shall not charge any money for providing essential services like electricity and water.

Residential schools to follow CBSE pattern.

5. (*1*) The examinations and course of studies in residential schools shall be on the lines of schools following Central Board of Secondary Education pattern.

(*2*) The students shall also be given training in vocational courses of their choice.

Residential schools to have basic facilities.

6. The residential schools shall have all basic infrastructure facilities like playground, library, laboratories, hostels and free dining facilities.

Power to make rules.

7. (*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

Persons belonging to the Scheduled Castes and the Scheduled Tribes are residing in large number in certain areas. But there are not enough educational facilities in those areas. The children belonging to the Scheduled Castes and the Scheduled Tribes, being generally poor, cannot afford good education in private schools and the Government schools are very few.

Therefore, it is proposed that residential schools should be set up exclusively for children belonging to Scheduled Castes and Scheduled Tribes with all facilities.

Hence this Bill.

NEW DELHI; KODIKUNNIL SURESH

November 18, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to set up residential schools exclusively for children belonging to the Scheduled Castes and the Scheduled Tribes in areas where their concentration is high. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one thousand crore.

A non-recurring expenditure of about rupees two thousand crore would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill seeks to empower 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. 322 OF 2015

A Bill to provide for reservation for the person belonging to the Scheduled Castes and the Scheduled Tribes in private sector and for matters connected therewith.

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

Short title.

1. This Act may be called the Reservation for Scheduled Castes and Scheduled Tribes in Private Sector Act, 2015.

Definitions.

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

(*a*) 'private sector' means any organization or establishment which is owned purely by private individual or corporation or limited company or in any organization in which the Government of India or a State has no financial interest and wherein not less than 50 persons are employed; and

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

Government to encourage private sector to make provision for reservation.

3. (*1*) The Central Government shall give due encouragement to private sector to make provisions for reservation for the person belonging to the Scheduled Castes and the Scheduled Tribes in their organization.

(*2*) The encouragement as provided in sub-section (*1*) may include:—

(*i*) special concessions under various existing Central schemes; and

(*ii*) loans from nationalized banks at reduced rate of interest.

Annual Report.

4. The Central Government shall cause to be laid an annual report before both Houses of Parliament about the action taken under this Act.

Power to make rules.

5. (*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

At present reservation is available in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes under the State. The number of posts and appointments in Government sector has come down considerably, especially after the economic liberalization. Now, the private sector is more involved in the nation building activities and infrastructure and economical projects. Also, people belonging to the Scheduled Castes and the Scheduled Tribes find it very difficult to get into Government service due to less number of posts available.

At present, there is no provision for reservation in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in services under private sector. But the Government cannot force private sector to make reservation for them. This can be done only by providing concessions and special schemes to encourage private sector to provide reservation.

Hence this Bill.

NEW DELHI; KODIKUNNIL SURESH

November 18, 2015.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 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. 324 OF 2015

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

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 Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2015.

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

Amendment of schedule I.

42 of 2005.

2. In the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, in Schedule 1, in para 20, for the words "forty percent", occurring at both the places, the words "sixty percent" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Para 20 of Schedule I of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 provides that for all works taken up by the Gram Panchayats and other implementing agencies, the cost of the material component including the wages of the skilled and semi-skilled workers shall not exceed forty percent at the Gram Panchayat or the district level, as the case may be. Since the scheme has come into force, it is observed that there is a great difficulty in maintaining the expenditure ratio in terms of material in the given prescribed limits and in some cases it exceeded to more than fifty percent. The social audit of the scheme implementation has also indicated that the work is not being undertaken within prescribed ceiling in the Act. So, under the existing limit of forty percent good quality work cannot be undertaken by the Gram Panchayat or the district authorities for creating better social infrastructure in the rural areas. Hence the Bill seeks to increase the material component limit upto sixty percent so as to enable creation of better infrastructure in rural areas.

Hence this Bill.

NEW DELHI;
November 18, 2015.

ARJUN MEGHWAL

BILL NO. 294 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.

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

Amendment of article 312.

2. In article 312 of the Constitution,—

(*i*) in clause (*1*), the words "including an all-India judicial service" shall be omitted; and

(*ii*) after clause (*1*), the following clause shall be inserted, namely:—

"(*1A*) Notwithstanding anything in Chapter VI of Part VI or Part XI, the Parliament shall, within one year of the coming into force of this Act, by law, provide for the creation of an all-India judicial service common to the Union and the States, and, subject to the other provisions of this Chapter, which shall also apply *mutatis mutandis* to all-India judicial service, regulate the recruitment, and the conditions of service of persons appointed to all-India judicial service.".

STATEMENT OF OBJECTS AND REASONS

There is a provision in the Constitution under article 312 for creation of All-India Services. Under this article, the Indian Administrative Service, the Indian Police Service, the Indian Foreign Service and the Indian Forest Service have been created by law, from time to time, but the creation of all-India judicial service is still awaited. In 1976, necessary amendments in the Constitution were made to create all-India judicial service but still the same has not been created.

Now, it is felt by the civil society and citizens that proper representation of all sections of the society be made in the judicial service. Therefore, the Bill seeks to amend the Constitution with a view to provide that the Parliament shall, within one year of the coming into force of this Act, by law, provide for creation of an all-India judicial service common to the Union and the States.

Hence this Bill.

NEW DELHI;
November 18, 2015.

ARJUN MEGHWAL

BILL NO. 296 OF 2015

A Bill further to amend the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

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 Employment as Manual Scavengers and their Rehabilitation (Amendment) Act, 2015.

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

Amendment of section 31.

2. In section 31 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013,—

(*i*) in sub-section (*1*)—

(*a*) in clause (*b*), for the words "enquire into complaints", the words "investigate into complaints" shall be substituted; and

(*b*) after clause (*d*), the following clause shall be inserted, namely:—

"(*e*) to impose fine on a person, if found guilty, after investigation under clause (*b*), of contravening the provisions of this Act."

(*ii*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) In the discharge of its functions under sub-section (*1*), the National Commission shall have the power to—

(*a*) call for information with respect to any matter specified in that sub-section from any Government or local or other authority; and

(*b*) summon and enforce the attendance of any person from any part of India and examine him on oath"."

STATEMENT OF OBJECTS AND REASONS

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 was enacted to prohibit employment as manual scavengers, rehabilitation of manual scavengers and their families. The National Commission for Safai Karamcharis is empowered to monitor and enquire the complaints regarding the contravention of the provisions of this Act, but no one has been punished even if accused is found guilty by the Commission due to inherent lacuna in the Act. It is, therefore, necessary that the National Commission for Safai Karamcharis be empowered to summon the accused, investigate into the complaints, and impose fine on the accused, if found guilty on completion of investigation in the matter.

Hence this Bill.

NEW DELHI;
November 18, 2015.

ARJUN MEGHWAL

BILL NO. 293 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.

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

Amendment of article 338.

2. In article 338 of the Constitution, after clause (*5*), the following clause shall be inserted, namely:—

"(*5A*) The recommendations made by the National Commission in its reports under clause (*5*), shall be binding upon, and implemented by, the Central Government and the State Governments within a period of one year from the date of making of such recommendations.".

STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides for the National Commission for the Scheduled Castes to monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution and other laws for the time being in force.

The National Commission for the Scheduled Castes is working for the last so many years but the desired result has not been achieved, so far. The major reason for this handicap is that the recommendations made by the National Commission for the Scheduled Castes in its reports are treated as recommendatory in nature by the Government. These recommendations are not considered seriously by the Government when it comes to implement the same. Therefore, it is necessary to amend the Constitution with a view to provide that the recommendations made by the National Commission in its reports shall be binding upon, and implemented by, the Central Government and the State Governments within a period of one year from the date of making of such recommendations.

Hence this Bill.

NEW DELHI;
November 18, 2015.

ARJUN MEGHWAL

BILL NO. 270 OF 2015

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

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 Indian Penal Code (Amendment) Act, 2015.

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

Omission of section 309.

2. In the Indian Penal Code, 1860, section 309 shall be omitted. 45 of 1860.

STATEMENT OF OBJECTS AND REASONS

As per section 309 of the Indian Penal Code, 1860 an attempt to commit suicide by an individual is treated as an offence and the person who attempts to commit suicide is liable to be punished with simple imprisonment for a term which may extend to one year.

Such a provision was made more than 150 years ago. However, while an attempt to commit suicide is criminalised under this section but the act of suicide itself is not a crime. The striking down of this provision has been the subject of many cases. The Law Commission in its 210th Report had also recommended for the omission of this section from the Indian Penal Code. Moreover, in 2011, the Supreme Court of India had also observed that the Government should consider the repealing of this section.

The Bill, therefore, seeks to repeal section 309 of the Indian Penal Code, 1860 with a view to decriminalize the offence of attempt to commit suicide.

Hence this Bill.

NEW DELHI;
November 17, 2015.

JAGDAMBIKA PAL

BILL NO. 269 OF 2015

A Bill to provide for compulsory harvesting of rainwater in every residential, commercial establishment and government building in order to make contribution to the conservation of water and recharge of groundwater 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 Rainwater (Mandatory Harvesting and Collection) Act, 2015.

(*2*) It extends to the Union territories only.

(*3*) It shall come into force on such date, not later than one year from the coming into force of this Act, as Central Government may, by notification in the Official Gazette, appoint.

Declaration.

2. It is hereby declared that it is expedient in public interest that the Union Government shall undertake adequate measures to harvest rainwater in the country for the purpose of water conservation and preservation of the existing water bodies from exploitation.

Definitions.

3. In this Act, unless the context otherwise requires:—

(*a*) "commercial establishment" means any building which is being used as an office or factory or for any other commercial purposes in connection with any trade or business;

(*b*) "Government" means the Central Government or the Union territory Administration, as the case may be;

(*c*) "government building" means any building occupied or being used by any or all Government departments, Ministries and includes the offices of public sector enterprises, statutory bodies or bodies owned and administered by the Government and autonomous bodies, bodies of local self-government and residential areas of government employees provided by the Government;

(*d*) "groundwater recharge" means recharging of open wells or underground water, as the case may be, by various means by use of rainwater;

(*e*) "household" means a dwelling unit of any description;

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

(*g*) "rainwater harvesting" means collection and storage of rainwater from rooftop of a building or other parts of a building from which water can be collected or from a vacant land for use or for the purpose of groundwater recharge.

Compulsory rainwater harvesting in government buildings.

4. It shall be the duty of the Government to ensure and implement such measures, as it may deem necessary and appropriate, to harvest rainwater in government buildings within such time as may be prescribed.

Compulsory rainwater harvesting by households and residential establishments.

5. (*1*) Every owner or occupier of an independent household building having sital area of not less than 2400 square feet or every owner who proposes to construct an independent household building on a sital area of not less than 1200 square feet shall adopt such measures to provide rainwater harvesting structures for storage for use of harvested water or for groundwater recharge.

(*2*) Every developer and builder of residential apartment complexes, irrespective of sital area or number of apartments proposed to be built, shall adopt such measures to provide rainwater harvesting structures for storage for the use of harvested water within the apartment complex premises for purposes such as garden, flushing of toilets or for groundwater recharge.

(*3*) The responsibility to ensure compliance of the provisions of sub-section (*2*) shall lie with the developer or builder of the proposed apartment complex.

(*4*) Every existing residential apartment complex which, on the date of commencement of this Act, does not have rainwater harvesting structures in place shall adopt such measures to provide rainwater harvesting structures for storage for the use of harvested water within the apartment complex premises for purposes such as garden, flushing of toilets or for groundwater recharge.

(*5*) The responsibility to ensure compliance of the provisions of sub-section (*4*) shall lie with the association(s) of residents formed from within the residents and owners of the apartments in the said apartment complex.

Explanation.—For the purposes of this section:—

(*a*) "association of residents" means a group of people representing the interest of the complex in its entirety, either elected by residents and owners or chosen by a process mutually agreed upon by the owners and residents of the said complex;

(*b*) "builder" and "developer" means the company or individual or group of individuals responsible for the planning and construction of the apartment project including getting necessary approvals from government authorities and agencies for the project until its completion;

(*c*) "independent household building" means a single unit of dwelling on a site of land including villas and houses; and

(*d*) "residential apartment complex" includes multiple units of dwelling on a single site of land, irrespective of size and number of flats or number of people residing in these flats or buildings.

Compulsory rainwater harvesting by commercial establishment.

6. (*1*) Every commercial establishment shall adopt such measures to provide rainwater harvesting structures for storage for use of harvested water within the apartment complex premises for purposes such as garden use, flushing of toilets, or for groundwater recharge.

(*2*) The responsibility to ensure compliance of the provisions of sub-section (*1*) shall lie on the person, by whatever name called, who is primarily responsible for the affairs of that establishment in the concerned premises of the establishment.

Action plan to educate the masses about rainwater harvesting.

7. (*1*) The Government shall take such measures, as it may deem appropriate, to educate and spread awareness among its own departments and Ministries, and the people about the benefits and importance of rainwater harvesting.

(2) The Government shall take such measures, as it may deem necessary, to provide any or all kinds of assistance through advertisements and online portals to people or groups of people installing rainwater harvesting structures in their buildings.

(3) For the purpose of sub-sections (*1*) and (*2*), the Government shall also associate non-Governmental Organisations and other such agencies or institutions working in this area and with relevant experience in such manner as may be prescribed.

Punishment.

8. Any person or group of persons violating the provisions of this Act shall be punished with simple imprisonment for a term which may extend to two years or with a fine which may extend to rupees two lakh or with both.

Act to have overriding effect.

9. 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.

Act not in derogation of other laws.

10. 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.

11. (*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 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.

STATEMENT OF OBJECTS AND REASONS

Water shortage is being seen as one of the major challenge in the coming years, rainwater harvesting is more relevant today than it has been in the past. A majority of the rainwater goes uncollected and runs-off into drains or rivers throughout the country. By collecting even a small part of the total rainfall received by us, the scale of the problem of water scarcity and shortage can be brought down, if not eliminated.

Rainwater harvesting is already practiced in dry and desert areas where rainfall is collected and stored for later use. This practice, which is being practiced for decades in areas of Rajasthan, needs to be replicated throughout the country.

Harvesting rainwater for storage forms one part of the larger problem involving water. In our country, groundwater resources have been used for all kinds of purposes from agriculture through tube wells in farm areas to cities where groundwater is increasingly being used as the primary water source. However, unregulated usage of groundwater has led to massive exploitation of this resource. There are some areas where groundwater recharge through rainwater is one of the many solutions to this problem and perhaps one of the easiest solutions.

Hence this Bill.

NEW DELHI; JAGDAMBIKA PAL

November 17, 2015.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for the Government to spread awareness among people and its employees about the importance of rainwater harvesting. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore is likely to be involved as recurring expenditure per annum.

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

ANOOP MISHRA
Secretary General

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