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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd December, 1978:—

BILL NO. 163 OF 1978

A Bill to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to establish a Surplus Commodities Corporation.

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

1. (1) This Act may be called the Export and Surplus Removal Act, 1978.

Short
title and
com-
mence-
ment.

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

2. There shall be established a Surplus Commodities Corporation for the purpose of purchase and distribution of surplus agricultural commodities for relief purposes.

Surplus
commodi-
ties Cor-
poration.

3. (1) The Central Government may transfer to the Surplus Commodities Corporation, such funds, appropriated by law, as may be necessary for the purpose of effectuating the purposes of the Act:

Utilisa-
tion of
funds
trans-
ferred
to Surplus
Commo-
dities
Corpora-
tion.

Provided that such transferred funds, together with other funds of the Corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, sorting and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the

provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons.

(2) The funds appropriated by sub-section (1) may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and products thereof purchased under the preceding paragraph of this section, may be donated for relief purposes and for use in non-profit summer camps for children.

STATEMENT OF OBJECTS AND REASONS

It has become a standard practice now for the Government to allow exports of surplus agricultural commodities or withhold the export depending upon the price situation of the particular commodity in the domestic market. There is often a gap between the requirement and response which results in Government action either too late or too early. This Bill is meant to provide a machinery for automatic removal of surpluses of agricultural commodities so that the agriculturists and consumers are both protected at the same time.

D. D. DESAI

NEW DELHI;

The 9th August, 1978.

FINANCIAL MEMORANDUM

The Bill seeks to establish a Surplus Commodities Corporation which would involve a non-recurring revolving fund of Rs. 100 crores and a recurring expenditure of not more than Rs. 25.40 lakhs to meet the establishment charges of the Corporation as below:—

Pay & Allowances:

Chairman & M. D.	Rs. 42,000
Board of Directors	Rs. 18,000
Staff	Rs. 2,00,000
Vehicles, transport, etc.	Rs. 80,000
Office	Rs. 1,00,000
Other establishment charges	Rs. 1,00,000
Interest on borrowings	Rs. 20,00,000
	Rs. 25,40,000

BILL NO. 164 OF 1978

A Bill further to amend the Central Excises and Salt Act, 1944

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

1. This Act may be called the Central Excises and Salt (Amendment) Act, 1978.

Short
title.

2. In the Long Title of the Central Excises and Salt Act, 1944 (hereinafter referred to as the principal Act), the words “and to salt” shall be omitted.

Amend-
ment of
Long title.

3. In section 1 of the principal Act, the words “and salt” shall be omitted.

Amend-
ment of
section 1.

4. In section 2 of the principal Act,—

(i) in clause (d), the words “and includes salt” shall be omitted;

(ii) in clause (f), sub-clause (ii) shall be omitted;

(iii) clause (j) shall be omitted.

Amend-
ment of
section 2.

Amend-
ment of
section 3.

5. In sub-section (1) of section 3 of the principal Act, the words "and a duty on salt manufactured in, or imported by land into, any part of India" shall be omitted.

Omission
of
Chapter V.

6. Chapter V of the principal Act shall be omitted.

Amend-
ment of
section 37.

7. In section 37 of the principal Act, in sub-section (2),—

(a) clause (v) shall be omitted;

(b) in clause (x), the words "of salt", and the word "other" shall be omitted;

(c) in the proviso to clause (xii), the words "salt and" and the words "and to separate and purify salt in the process of such manufacture and refining" shall be omitted;

(d) in clause (xiv), the words "and for the inspection or search of any place or conveyance used for the production, storage, sale or transport of salt", and the word "other" shall be omitted;

(e) clauses (xviii) and (xix) shall be omitted.

Amend-
ment of
First
Schedule.

8. In the First Schedule to the principal Act,—

(a) item number 5 and the heading thereto shall be omitted;

(b) in item number 68, after part (c), the following part shall be inserted, namely:—

"(d) salt including swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt earth;"

STATEMENT OF OBJECTS AND REASONS

Our countrymen have not forgotten the famous 'Dandi March' of Mahatma Gandhi which concluded in the Salt Satyagrah. Gandhiji stood not only for a no tax on salt but also for no curb or restriction on salt trade as well.

We got freedom from British bondage more than 30 years ago but as yet we have not been able to assure our people that for ever there shall be no tax on salt and that the trade in salt shall be free from curbs and restrictions. Of course, we do provide every year in the Finance Bill that there would be no tax on salt for the ensuing year (See section 38 of every Finance Act). But the possibility of imposing salt tax all the more remains. In order to redeem an old pledge by eliminating such possibility of imposing salt tax and removing the restrictions on salt trade, the Central Excises and Salt Act, 1944 is proposed to be amended.

Hence this Bill.

NEW DELHI;

R. D. GATTANI.

The 20th July, 1978.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274
OF THE CONSTITUTION OF INDIA

[Copy of letter No. 4/2/78-CX. 1/TRU, dated the 13th November, 1978 from Shri H. M. Patel, Minister of Finance to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill, recommends under clause (1) of Article 117 read with clause (1) of Article 274 of the Constitution of India, the introduction of the Bill further to amend the Central Excises and Salt Act, 1944 in the Lok Sabha, by Shri R. D. Gattani.

BILL No. 182 OF 1978

A Bill to provide for the establishment of a commission for the purpose of mitigating the natural calamities and to provide relief to the sufferers due to these calamities.

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

Short title
and com-
mencement

1. (1) This Act may be called the Natural Calamities Mitigation Commission Act, 1978.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Commission” means the Natural Calamities Mitigation Commission;

(b) “Government” means Central Government.

(c) “natural calamities” means and includes floods, cyclones, tidal waves, tornados, draughts and earth-quakes.

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

3. (1) The Central Government shall, with effect from such date as it may, by notification in the Official Gazette, specify in this behalf, establish, for the purpose of this Act, a Commission known as the Natural Calamities Mitigation Commission.

Establishment of Natural Calamities Mitigation Commission

(2) The Commission shall be a body corporate, with the name aforesaid, having perpetual succession and a common seal with powers, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by that name, sue and be sued.

4. (1) The head office of the Commission shall be at Delhi.

Offices of the Commission.

(2) The Commission may, with the previous approval of the Central Government, establish offices at other places in India.

5. (1) The Commission shall consist of the following, namely:—

Composition of the Commission.

(a) a non-official Chairman preferably a Member of Parliament;

(b) a Vice-Chairman;

(c) the Director of Meteorology;

(d) three members of Parliament of whom two shall be members of Lok Sabha and one shall be a member of Rajya Sabha;

(e) one representative from the Ministry dealing with agriculture;

(f) one representative from the Ministry dealing with railways;

(g) one representative from the Ministry dealing with communications;

(h) one representative from the Agricultural Department of each of the States and Union Territories;

(2) (a) The Chairman, the Vice-Chairman and the members referred in clause (d) of sub-section (1) shall be appointed by the Central Government;

(b) the representatives mentioned in clauses (e), (f) and (g) of sub-section (1) shall be nominated by the Central Government; and

(c) the representatives from the States and Union territories shall be nominated by the concerned Government of the State or Union territory.

6. The Commission shall have the following functions:—

Functions of the Commission

(i) development of meteorological organisation for the detection and tracking of cyclonic storms;

(ii) dissemination of meteorological warnings;

(iii) taking up of distress mitigation measures;

(iv) implementation of preparedness programme;

(v) organisation of relief measures in consultation and with the help of the State Governments and Union Territories Administrations; and

(vi) And any other function entrusted to the Commission.

Constitu-
tion
of Natural
Calamities
Mitigation
Fund.

7. (1) There shall be constituted by the Central Government a Fund of the Commission to be called the Natural Calamities Mitigation Fund—

(a) by giving an annual grant of not less than rupees ten crores, and any special grant under special circumstances, after due appropriation made by Parliament by law in this behalf;

(b) by collecting an equal amount from the states, other than the special grants;

(c) by getting aid from international agencies.

(2) The above fund shall be expended subject to the provisions of this Act and of any rules made by the Central Government in that behalf.

(3) Subject to the other provisions contained in this Act and to any rules or regulations made in this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other Bank as may be approved by the Central Government to the credit of an account styled as the account of the Natural Calamities Mitigation Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Commission.

Disqualifi-
cation for
Chairman-
ship, etc.

8. A person shall be disqualified for being appointed as, and for being, a Chairman or Vice-Chairman of the Commission—

(a) if he is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) if he is of unsound mind and stands so declared by a competent court, or

(c) if he is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) if he was removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government;

(e) if, in the case of a member of Parliament, he ceases to be a member of the Parliament.

Filling up
of Casual
Vacancies.

9. The Central Government shall have the power to fill up casual vacancies in the membership of the Commission.

Term of
the Office
of mem-
bers of
the Com-
mission.

10. The term of the office of non-official members of the Commission shall be three years:

Provided that the term of the members appointed in casual vacancies shall cease with the term of the other members.

Removal
and
resignation
of Chair-
man,
Vice-Chair-
man
and mem-
bers.

11. (1) The Central Government may, at any time, after consultation with the Commission, remove the Chairman or the Vice-Chairman from the office after giving him a reasonable opportunity of showing cause against the proposed removal.

(2) The Commission may remove any member from office who—

(a) is or has become subject to any of the disqualifications mentioned in section 8, or

(b) is absent, without leave of the Chairman, for more than three consecutive meetings thereof without sufficient cause, in the opinion of the Commission, to exonerate absence.

(3) The Chairman, the Vice-Chairman or a member of the Commission may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.

12. (1) The Commission shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Commission under this Act.

Meetings of
the Com-
mission.

(2) The Chairman or the Vice-Chairman, if for any reason, is unable to attend any meeting, any other member, elected by the members present at the meeting, shall preside over the meeting.

(3) All questions, which come up before any meeting of the Commission, shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairman, or, in his absence, the person presiding, shall have and exercise a second or casting vote.

13. (1) The Central Government shall appoint a Secretary to the Commission who shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Commission or the Chairman.

Officers of
the Com-
mission.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint such other officers and employees as it considers necessary for the efficient performance of its functions.

(3) the methods of appointment, the conditions of service and the scales of pay of the officers and other employees of the Commission shall be such as may be determined by regulations made by the Commission under this Act.

14. (1) The accounts of the Commission shall be audited by auditors, qualified under the law for the time being in force relating to companies, and the auditors shall be appointed by the Commission with the previous approval of the Central Government and shall receive such remuneration from the Commission as the Central Government may fix.

Audit of
accounts.

(2) Every auditor in the performance of his duties shall have at all reasonable times access to the books, accounts and other documents of the Commission and may, for the purpose of the audit, call for such explanation and information as they may require or may examine any principal or any other officer of the Commission.

(3) The auditors shall submit their report together with an audited copy of the accounts to the Commission and shall also forward a copy of such report to the Central Government.

Annual
Report.

15. The Commission shall, as soon as may be, after the end of each financial year, prepare and submit to the Central Government in such form, as may be prescribed, a report giving an account of its activities during the previous financial year and an account of the activities, if any, which are likely to be undertaken by the Commission in the current and the immediately following financial year.

Reports to
be placed
before
Parliament.

16. The Central Government shall cause the report of the auditors under section 14 and the report giving an account of the activities of the Commission under section 15 to be laid before both Houses of Parliament, as soon as may be, after each such report is received by the Central Government.

Power to
make rules.

17. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office of, and the manner of filling casual vacancies among, and the other terms and conditions of appointment of, the members of the Commission;

(b) the additional functions which the Commission may perform;

(c) the remuneration or fees payable to the members of the Commission;

(d) the manner in which the commission may invest its funds;

(e) the form of the audited statement of accounts and the balance sheet to be prepared by the Commission;

(f) any other matter which has to be or may be prescribed.

(3) Every rule made by the Central Government 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 Houses after 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 no Central organisation in our country at present to meet serious natural calamities created due to floods, cyclones, tidal waves, tornados, droughts and earth-quakes. It was seen when the recent cyclone occurred in our country, especially in Andhra Pradesh, inflicting a great loss to human and animal life, devastating lakhs of houses and lakhs of acres of crops. It therefore became necessary to create such an organisation with sufficient funds to meet such calamities, as the States are not capable of meeting such calamities

Hence the Bill.

NEW DELHI

P. RAJAGOPAL NAIDU.

The 13th November, 1978.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Natural Calamities Mitigation Commission. Clause 13 provides for appointment of Secretary to the Commission and other officers.

Clause 7 seeks to establish the Natural Calamities Mitigation Fund. Taking into consideration the task of the Commission, the present Bill seeks to provide the Commission Fund with rupees ten crores every year by the Central Government from the Consolidated Fund of India after due appropriation made by Parliament.

The recurring expenditure of the Commission will be met from the Fund of the Commission.

Other expenditure which might have to be incurred in setting up of the Commission is not ascertainable at this stage. However, an initial non-recurring expenditure of about rupees ten lakhs is likely to be involved in the setting-up of the Commission.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 empowers the Central Government to make rules regarding expenditure from the Fund and investment of the funds of the Commission in the Reserve Bank of India or such other Bank.

Clause 12(1) empowers the Commission to make rules to transact its business.

Clause 13(2) empowers the Central Government to make rules regarding the appointment of officers and employees by the Commission.

Clause 17(1) empowers the Central Government to make rules to carry out the purposes of this Act.

The matters in respect of which rules may be made are matters of procedure and administrative detail. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 174 OF 1978

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1978.

Short
title.

2. In article 19 of the Constitution, in sub-clause (f) of clause (1), after the word "property", the following words shall be inserted, namely:—

Amend-
ment of
article 19.

"within such limits as may be prescribed by law".

3. After article 19 of the Constitution, the following new article shall be inserted, namely:—

Insertion
of new
article
19A.

"19A. All citizens shall have the right—

(i) to work and to a living wage after attaining the age of 16 years;

(ii) to have free education upto the Higher Secondary Standard;

(iii) to have State assistance in cases of unemployment, old age, sickness and disablement;

(iv) to free medical treatment;

(v) to have equal pay for equal work;

(vi) to exercise franchise on attaining 18 years of age".

Protec-
tion of
certain
rights
regarding
work,
educa-
tion, etc.

STATEMENT OF OBJECTS AND REASONS

Political democracy without economic democracy is a farce. The Janata Government is pledged to provide with both freedom and bread. It is true that man does not live with bread alone but this is equally true that man cannot live without bread. Right of life and liberty is meaningless without right to livelihood, education, medical help and old age sickness assistance. Similarly, it is a cruel joke with the vigorous youth power to deny them the Right to vote at the age of 18, when they are thought fit to guard the frontiers of our nation and participate in war.

Without these rights, liberty is a luxury to the rich and a joke to the poor. Hence, the Constitution must guarantee to the citizens the right to work, education and medical assistance etc. without delay.

NEW DELHI;

RAMJI SINGH

The 17th November, 1978.

FINANCIAL MEMORANDUM

This Bill provides for a living-wage, free education upto Higher Secondary stage, State assistance in cases of unemployment, old age and sickness, free medical treatment, right to franchise from the age of 18 years etc. (Clause 3). This would involve recurring expenditure from the Consolidated Fund of India. According to our estimate a recurring expenditure of about one crore of rupees is likely to be involved from the Consolidated Fund of India in respect of union territories. No non-recurring expenditure will be involved. Expenditure in respect of the States will be met by the State Governments.

BILL NO. 181 OF 1978

A Bill to provide for prohibition on killing of cows.

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

1. (1) This Act may be called the Cow Slaughter Prohibition Act, 1978.

Short
title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once:

Provided that different States may make it applicable, in the territories governed by them, at different dates within six months of the passing of this Act, by notification in the State Gazette.

2. In this Act, unless anything is repugnant to the subject or context,

Definitions.

(a) 'cognizable offence' shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1973;

(b) 'cow' includes he-calves, she-calves, bullocks and bulls;

(c) 'slaughter' means killing by any means, whatsoever, for any person.

3. No person shall kill or cause to be killed a cow for any purpose or at any place in India.

Prohibition
on killing
of cows.

4. Any person who, contravenes the provision of section 3, shall be punishable with imprisonment which may extend to ten years.

Punish-
ment.

5. An offence under this Act shall be a cognizable offence.

Offence
to be
cognizable.

STATEMENT OF OBJECTS AND REASONS

"The cow is a poem of pity and a personification of innocence. She is mother to millions of Indian mankind. Protection of cow means protection of the whole of dumb creation of God.", said Gandhiji. Cow is held in high esteem in India since times immemorial. It is also worshipped by the Hindus, the Sikhs, the Buddhists and the Jains. Its milk is beneficial for the children and the sick; the bullocks are used in agriculture. Hence, if cow dies, we also die together. So Pandit Nehru also said, "religion apart, emotion apart and sentiment apart, for economic reasons and for other substantial reasons, it is important for that to be preserved and for that to be improved." Even the Directive Principles of our Constitution, under Article 48, enjoin upon us to prohibit the slaughter of cow and calves. Even the Supreme Court has said "The slaughter of cows for food is repugnant to their (Hindus) notions and this sentiment in the past even led to communal riots". Unlike other countries, we do not breed cow for the purpose of milk and meat. Our civilization is fundamentally different.

Hence from political, constitutional, economic, social, religious and humanitarian outlook, slaughter of cow should be stopped forthwith.

NEW DELHI;

RAMJI SINGH.

The 20th November, 1978.

BILL No. 175 OF 1978

A Bill further to amend the Constitution of India

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

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short
title,
extent
and
commence
ment.

2. In the Eighth Schedule to the Constitution, entries 1 to 15 shall be re-numbered as entries 2 to 16 respectively, and before entry 2 as so re-numbered, the entry "1. Angika." shall be inserted.

Amend-
ment of
Eighth
Schedule.

STATEMENT OF OBJECTS AND REASONS

Anga, Banga and Kalinga are the three big regions of the North East India. Maharaja Karan was the king of the region known as Anga. At present, this region comprises of Bhagalpur, Monghyr, Santhal Pargana and Purnea Saharasa areas. However, Angika, the language of Anga region, is spoken by about two crore people. Angika will neither stand in the way of progress of Hindi, the national language, nor take its place, Enrichment of Angika will lead to enrichment of Hindi also. The beauty, simplicity and flexibility of Angika will ultimately promote Hindi. Inclusion of Angika in the Schedule of the Constitution will promote cultural and emotional integration among the local people and the whole of India will also come to know about the greatness of the ancient culture of Anga Desh.

NEW DELHI;

RAMJI SINGH

The 20th November, 1978

BILL No. 180 OF 1978

A Bill to provide for the constitution of a Parliamentary Integrity Commission and matters incidental thereto.

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

1. (1) This Act may be called the Parliamentary Integrity Commission Act, 1978.

Short
title and
commence-
ment.

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

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

Defini-
tions.

(a) “Commission” means the Parliamentary Integrity Commission constituted under section 3;

(b) “member” means a member of either House of Parliament, including a Minister;

(c) "section" means a section of this Act.

Constitu-
tion of
Parliamen-
tary Inte-
grity
Commis-
sion.

3. There shall be constituted with effect from the appointed date a Parliamentary Integrity Commission consisting of the following persons:—

- (a) the Speaker of Lok Sabha who shall be the ex officio Chairman of the Commission;
- (b) the Vice-Chairman of Rajya Sabha;
- (c) a Judge of the Supreme Court nominated by the Chief Justice of India;
- (d) the Comptroller and Auditor-General of India; and
- (e) the President, Association of Chartered Accountants.

Functions
of the
Commis-
sion.

4. The functions of the Commission shall be to examine every declaration of income, assets and liabilities required to be made to it under this Act and to report to each House of Parliament such matters arising therefrom as it may deem fit.

Declara-
tions of
income,
assets and
liabilities
to be
made to
Commis-
sion.

5. (1) Each member of Parliament shall, within three months of his election or nomination to either House of Parliament, as the case may be, and thereafter by 31st March of each year, make a declaration in writing before the Commission showing his income, assets and liabilities.

(2) The declaration, to be made under sub-section (1), shall also include a statement of the income, assets and liabilities of the declarant's spouse and children living with, or dependent on, the declarant.

(3) If the Commission is not satisfied as to the accuracy or completeness of the matters disclosed in such a declaration or if the income or gains have come from sources which, having regard to all the circumstances of the case, require further details or explanation, the Commission may call for such details or explanation from the declarant.

Forfeiture
of pro-
perty
omitted
from
declara-
tion.

6. If any property belonging to the declarant is subsequently discovered to have been omitted from the declaration or to have been dealt with in a misleading manner therein, such property shall stand forfeited to the Central Government unless the declarant establishes to the satisfaction of the Commission that such property was acquired by him as part of a *bona fide* business transaction or that the omission or misleading manner in which it was dealt with in the declaration was due to *bona fide* inadvertance or an honest mistake.

Vacation
of seats of
members.

7. Either House may, on a motion adopted by it in this behalf, declare the seat of any of its members vacant who may have been adversely commented upon by the Commission in its Report to Parliament.

Commis-
sion to
have
powers
of court.

8. The Commission shall have all the powers of a Civil Court to send for persons, papers and records.

Powers
to make
rules.

9. (1) The Commission may make rules for the procedure and conduct of its business.

(2) A copy of the rules so made by the Commission shall, as soon as may be, laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Honesty and integrity today is at great stake. Very often wild rumours are spread that persons holding high elective offices have acquired wealth which is out of proportion to their apparent means before assuming public office. Not only that such rumours are damaging and embarrassing to the concerned person but also bring a bad name to the society as a whole.

While it is desirable to avoid subjecting Members of Parliament to possible embarrassment by the public disclosure of their private affairs relating to their income, assets and liabilities, it is apparent that members of Parliament, in general, are in a special position and should be above suspicion like the Caesar's wife.

The Bill, therefore, proposes the constitution of a Parliamentary Integrity Commission to which all members of Parliament may make declarations of their income, assets and liabilities. This will set at rest all baseless and wild rumours in respect of members of Parliament which are quite often set afloat maliciously by interested persons. This will also enable the exposure of black sheep, if any, among a particular class of persons holding elective offices.

The proposed Parliamentary Integrity Commission will be presided over by the Speaker of Lok Sabha and a Judge of the Supreme Court and the Comptroller and Auditor General of India shall be the members thereof to inspire confidence in the public mind in the findings and recommendations of the Commission. The Bill also empowers the Commission to send for persons, papers and records like a Civil Court and to frame its own rules of procedure and conduct of business.

NEW DELHI;

RAMJI SINGH.

The 18th November, 1978.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Commission with, among others, a Chartered Accountant as its member. Some staff will be required for the Commission. Some remuneration to the staff and to the Chartered Accountant and some allowances to other Members will require to be paid. A recurring expenditure of about rupees one lakh is, therefore, likely to be involved from the Consolidated Fund of India in case the Bill is enacted.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill confers on the Parliamentary Integrity Commission the power to make rules for the procedure and conduct of its business. As the rules will relate to matters of procedure only, the delegation of power is of a normal character.

BILL No. 178 OF 1978

A Bill to provide for prohibition on conversion from one religion to another by the use of force or inducement or by fraudulent means and for matters incidental thereto.

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

1. (1) This Act may be called the Freedom of Religion Act, 1978.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and com-
mence-
ment.

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

Defini-
tions.

(a) 'conversion' means renouncing one religion and adopting another;

(b) 'force' shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication;

(c) 'fraud' shall include misrepresentation or any other fraudulent contrivance;

(d) 'inducement' shall include the offer of any gift or gratification either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise;

(e) 'minor' means a person under eighteen years of age.

Prohibition on conversion by force, inducement, etc.

3. No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by deceit or by any fraudulent means nor shall any person abet any such conversion.

Punishment.

4. Any person contravening the provisions contained in section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to three thousand rupees or with both:

Provided that in case the offence is committed in respect of a minor, woman or a person belonging to the Scheduled Caste or Scheduled Tribe, the punishment shall be imprisonment to the extent of two years and a fine up to five thousand rupees.

Offence to be cognisable.

5. An offence under this Act shall be cognisable and shall not be investigated by an officer below the rank of an Inspector of Police.

Prosecution with the sanction of District Magistrate.

6. No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Sub-Divisional Officer, as may be authorised by him in this behalf.

Probation of Offenders Act not to apply.

7. The provisions of the Probation of offenders Act, 1958 shall not apply to the punishment of offences committed under this Act. 20 of 1958

Power to make rules.

8. The Central Government may make rules for the purpose of carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

One of the Fundamental Rights enshrined in the Constitution is the right to profess, practise and propagate religion of one's choice.

Conversion from one religion to another, done by free consent and will, cannot be questioned. But State protection is required where it is sought to be attained by threat, undue influence, allurement or wrongful inducement. The importance of providing this protection to persons belonging to the Scheduled Castes and Scheduled Tribes is all the more necessary and cannot be ignored. The policy of the State should be directed to achieve this aim.

Hence this Bill.

NEW DELHI;

O. P. TYAGI

The 21st November, 1978.

MEMORANDUM REGARDING DELEGATED :

Clause 8 of the Bill empowers the Central Government for the purpose of carrying out the provisions of the Act. Since the rules to be framed will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 177 OF 1978

A Bill further to amend the Indian Penal Code.

Be it enacted by Parliament in the Twenty-ninth year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In section 304A of the Indian Penal Code, the following proviso shall be added at the end, namely:— 45 of 1860.

Amend-
ment of
section
304 A.

“Provided that whoever causes the death of any person by the rash and negligent driving of a motor vehicle, shall be punished with rigorous imprisonment which may extend to nine years, but shall not be less than five years, and shall also be liable to fine as well as the forfeiture of his driving licence for life.”

STATEMENT OF OBJECTS AND REASONS

The incidence of deaths on our roads, caused by the rash and negligent driving of automobiles is worsening with tragically increasing frequency. No day passes without sad press reports of men, women and children being crushed under speeding motor vehicles. "Hit-and-Run" drivers, driving their vehicles rashly and negligently, are the worst offenders in this respect. Under the extant law, section 304A of the Indian Penal Code, such persons are punishable with imprisonment of either description for a term which may extend to two years or with fine or with both. Such offenders should, in my view, be punished more severely, so that the legal provision may act as a deterrent.

Hence the Bill.

NEW DELHI;
The 22nd November, 1978.

HARI VISHNU KAMATH

BILL NO. 176 OF 1978

A Bill further to amend the Indian Penal Code.

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

Short title
extent and
commence-
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Repeal of
section 309.

2. Section 309 of the Indian Penal Code is hereby repealed.

45 of 1860.

STATEMENT OF OBJECTS AND REASONS

Section 309 of the Indian Penal Code provides punishment for attempts to commit suicide, whereas the person who actually commits the 'offence', that is suicide, is beyond the reach of the law.

It is well to remember that in the welfare state that we are seeking to build, but have not been able to achieve it yet, only those who are facing starvation and a slow death, or are otherwise in the grip of dire economic necessity or are labouring under intolerable mental or emotional strain, mostly attempt to commit suicide. It is undesirable and improper to penalise such persons. They should, on the contrary be sent to a reformatory or a correctional house, or given economic or financial assistance, or provided mental or psychiatric treatment.

It is accordingly proposed to amend the Indian Penal Code by repealing section 309 thereof so as to make any attempt to commit suicide not a penal offence.

NEW DELHI;

HARI VISHNU KAMATH.

The 22nd November, 1978.

BILL No. 107 OF 1978

A Bill to repeal the Delhi Sales Tax Act, 1975.

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

1. This Act may be called the Delhi Sales Tax (Repeal) Act, 1978.
2. The Delhi Sales Tax Act, 1975 is hereby repealed.

Short
title.
Repeal
of Act 43
of 1975.

STATEMENT OF OBJECTS AND REASONS

During the last Lok Sabha elections, the Janata Party announced that it would replace the sales tax with excise, if it came into power. This was also provided in the Election Manifesto of the Janata Party. The Union territory of Delhi is directly under the Central Government. Therefore, the Central Government should give a lead for abolition of sales tax in Delhi. The Delhi Administration has also recommended to the Central Government for the abolition of sales tax in Delhi.

Hence the Bill.

NEW DELHI;

KANWAR LAL GUPTA

The 24th June, 1978.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 30/54/78-ST, dated the 27th July, 1978 from Shri H. M. Patel, Minister of Finance to the Secretary, Lok Sabha].

The President having been informed of the subject matter of the above Bill recommends under clause (1) of Article 117 of the Constitution the introduction of the Bill in the Lok Sabha.

AVTAR SINGH RIKHY,
Secretary.

