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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 26th February, 2016:—

BILL NO. 23 OF 2015

A Bill to set a target for the reduction of targeted greenhouse gas emissions; to establish a National Committee on Climate Change; to provide for carbon budgeting and carbon trading schemes and to encourage other such activities to reduce greenhouse gas emissions 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:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. *(1)* This Act may be called the Climate Change 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:

Provided that different dates may be appointed for different provisions of this Act.

Definitions.

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

(a) "annual range for the net carbon account" means a cap on the net Carbon Account for that year set by the Central Government;

(b) "baseline" implies net emissions of carbon dioxide and other targeted greenhouse gases in India during a particular year against which the emission in other years is to be measured;

(c) "budgetary period" means a period of five years set by the Central Government for which a carbon budget applies;

(d) "carbon budget" means a cap set by the Central Government on the amount of net Carbon Account for a specific budgetary period;

(*e*) "carbon unit" means a unit specified by the Central Government for the purpose of measuring addition or reduction of any greenhouse gas in the atmosphere;

(f) "Energy Intensity Index of GDP" implies the quantity of energy used per unit of GDP;

(g) "National Committee" means the National Committee on Climate Change constituted under section 11;

(h) "net carbon account" means net emissions of targeted greenhouse gases for any particular budgetary period reduced by the amount of carbon units credited and increased by the amount of carbon units debited;

[Carbon Account = Net Emissions-carbon units credited + carbon units debited];

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

(j) "targeted greenhouse gases" means carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, per fluorocarbons, sulphur hexafluoride and includes any other gas as the Central Government may specify.

CHAPTER II

CARBON TARGET SETTING

Central Government to ensure Carbon target and its amendment.

3. *(1)* The Central Government shall, within one year from the commencement of the Climate Change Act, 2015,—

(a) prescribe a target of Net Carbon Account for the year 2050 in accordance with international obligations, if any, agreed to by India;

(b) specify a baseline year for absolute reduction of carbon emission and the proportion of reduction of Carbon emission during each year following the baseline year; and

(c) create an Energy Intensity Index of GDP and set a target for the same.

(2) The Central Government may, by notification in the Official Gazette, change the targets laid down under sub-section (1) on the advice of the National Committee.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament during the session immediately following the issue of notification.

CHAPTER III

CARBON BUDGETING

Carbon budgets and budgetary periods.

4. *(1)* It shall be the duty of the Central Government to prescribe Carbon budget for budgetary periods commencing from the budgetary period for the years from 2015-2020 and to ensure that the prescribed net carbon account for a budgetary period does not exceed cap fixed under the carbon budget for that budgetary period.

(2) The carbon budget for each budgetary period shall be set with a view to achieving the target of Net Carbon Account for the year 2050 to be prescribed by the Central Government under sub-section (1) of section 3.

(3) The Central Government may carry over targets of carbon budget set to a budgetary period to the next budgetary period in consultation with the National Committee and such other agencies as may be prescribed.

Various aspects under carbon budgeting.

5. While taking a decision on setting the target of carbon budget under section 4, the Central Government shall take the following into account:—

(i) scientific knowledge and technology relevant to climate change;

(ii) impact of the decision on the economy and the competitiveness of various sectors of the economy;

(iii) impact of the decision on fiscal scenario, in particular, on taxation, public spending and public borrowing;

(iv) social situation;

(v) likely impact of the decision on energy supplies and the carbon and energy intensity of the economy;

(vi) climate change issues at regional and international level; and

(vii) such other matters as the Central Government may consider necessary.

Central Government to implement proposals and policies for meeting carbon budgets.

6. The Central Government shall, in consultation with the National Committee and such other agencies as it may deem necessary, implement such proposals and policies as are necessary for meeting carbon budgets.

Laying of Reports relating to Net Carbon Account and proposals and policies for meeting carbon budgets.

7. The Central Government shall lay, at such intervals as it may deem necessary, before each House of Parliament:—

(i) a Report setting out an annual range for the Net Carbon Account for each year within a budgetary period, as soon as the carbon budget has been set for that particular budgetary period; and

(ii) a Report setting out proposals and policies for meeting carbon budgets for the current and future periods.

Laying of annual monitoring statement.

8. The Central Government shall lay before each House of Parliament an annual monitoring statement giving the following details:—

(i) amounts of emissions and removals and net amounts of each of the greenhouse gases and the overall aggregate; the methods used to calculate these amounts; and a comparative statistics with respect to previous years;

(ii) details of the carbon units credited or debited from India's Carbon Account; and

(iii) Energy Intensity Index of GDP statistics of various sectors and States.

Net Carbon Account.

9. The Central Government shall make following provisions for the Net Carbon Account:—

(*i*) the circumstances under which carbon units are to be credited or debited to the Net Carbon Account; and

(*ii*) the manner in which such crediting or debiting is to be done.

Restrictions on carbon offsetting.

10. The Central Government shall ensure that the carbon units credited to the Net Carbon Account for a period are not used to offset other emissions within or outside the country.

CHAPTER IV

NATIONAL COMMITTEE ON CLIMATE CHANGE

Constitution of a National Committee on Climate Change.

11. The Central Government shall, within three months of the coming into force of the Climate Change Act, 2015, constitute a Committee to be known as the National Committee on Climate Change for the purpose of advising the Government on all matters related to Climate Change including those referred to in or arising from the implementation of this Act.

Composition of the National Committee.

12. *(1)* The National Committee shall consist of:—

(i) a Chairperson who shall be a person having special knowledge in the field of environment and climate change;

(ii) one person representing the National Green Tribunal constituted under the National Green Tribunal Act, 2010 —Member;

(iii) not less than two persons having judicial background to be nominated by the Central Government —Members;

(iv) one person to be nominated by the Central Government representing the Union Ministry of Environment and Forests —Member;

(v) one person to be nominated by the Central Government representing the Bureau of Energy Efficiency —Member; and

(vi) not less than two persons representing the non-Governmental Organizations working in the field of climate change, to be nominated by the Central Government in such manner as may be prescribed —Members.

(*2*) The Central Government may, if it considers necessary, appoint one or more persons having specialized knowledge and experience in the field of climate change as *ad hoc* members of the National Committee.

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

Advice to the Government.

13. The National Committee shall advise the Central Government on the following matters:—

(i) modification to be made in the limit of carbon target/emission level specified in sub-section (1) of section 3;

(ii) integration, reconciliation and consolidation into the Climate Change Act, 2015 of such laws and policies as are related to protection of environment or climate change including the following, namely:—

(a) the Environment (Protection) Act, 1986;

(b) the Air (Prevention and Control of Pollution) Act, 1981;

(c) the Motor Vehicles Act, 1988;

(d) the Indian Forests Act, 1927;

(e) the Forest (Conservation) Act, 1980;

(f) the Energy Conservation Act, 2001; and

(g) the Climate Change Action Plan;

(*iii*) the manner in which the emission of green house gases from different sectors such as industry, transport and power are to be tackled; and

(*iv*) increased and sustainable use of renewable energy and energy efficiency.

Advice to other national bodies.

14. The National Committee shall, on a request made to it by any agency, authority or institution, give its advice or provide information or analysis or any other details related to climate change or in connection with any functions mentioned under this Act to that agency, authority or institution.

Annual Report.

15. *(1)* The National Committee shall prepare 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 forward it to the Central Government, which shall cause the report to be laid before each House of Parliament within one month of its receipt.

(2) Without prejudice to generality of the foregoing provision, the annual report referred to in sub-section (1) shall also contain:—

(i) progress that has been made towards meeting the carbon budgets;

(ii) manner in which the budget for a period was met;

(iii) the reasons due to which the budget for a period was not met;

(iv) further action that is needed to meet the budgets and targets; and

(v) whether budgets and targets for a period are likely to be met.

Action taken reports.

16. The Central Government shall, within three months of the receipt of the report from the National Committee, lay before each House of Parliament, an action taken report on the annual report submitted by the National Committee.

CHAPTER V

CARBON TRADING SCHEME

Establishment of a Carbon Trading Authority.

17. (*1*) The Central Government shall, as soon as may be after the coming into force of this Act, establish a Carbon Trading Authority for the purpose of formulating the Carbon Trading Scheme.

(*2*) The Authority shall cease to exist after the Carbon Trading Scheme under section 18 is formulated and approved by the Central Government.

Explanation.—In this section, "Carbon Trading Scheme" means a scheme that operates by—

(*a*) limiting activities that consist of emission of greenhouse gas or that cause or contribute, directly or indirectly, to such emissions; or

(*b*) encouraging activities that consist of, or that cause or contribute, directly or indirectly, to reductions in greenhouse gas emissions or the removal of greenhouse gas from the atmosphere.

Carbon Trading Scheme.

18. (*1*) The Carbon Trading Authority shall, within one year from the date of its establishment, formulate a scheme to be known as the Carbon Trading Scheme.

(*2*) While formulating the Carbon Trading Scheme, the Authority may consult the National Committee or such other stakeholders as it may consider necessary.

(*3*) While formulating the Carbon Trading Scheme, the Carbon Trading Authority may take into account the following matters:—

(*a*) the application of the scheme on various sectors or institutions;

(*b*) the activities to which the scheme shall apply;

(*c*) the manner in which carbon credits shall be distributed to the participants;

(*d*) the rules governing the buying and selling of carbon credits;

(*e*) issue of carbon certificates to companies and other participants;

(*f*) the duration of the Carbon Trading Scheme;

(*g*) issues relating to definition of offences and suggested penalties; and

(*h*) the implementation of the scheme at the State level.

(*4*) Nothing contained in section 13 shall restrict the Carbon Trading Authority from taking into account the matters which it is required to take under this section.

CHAPTER VI

MISCELLANEOUS

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

STATEMENT OF OBJECTS AND REASONS

India's rapid economic growth and its efforts for holistic development need should not be in conflict with an ecologically sustainable development. India is the fifth largest emitter of green house gases in the world quantity-wise, although, India's per capita emissions are still substantially below the world average per capita emissions. Hence, it is important for India to take a proactive step in order to mitigate the emissions and to improve energy efficiency.

India has been identified as a key player at the international climate change negotiations. Hence, taking higher caps on emissions domestically (though without any legally binding international agreement) would set India as an example for other countries, thereby, inducing the other countries to take similar steps for a better global environment.

Further, although there are multiple laws for mitigating emissions from various sectors, there is no comprehensive law which clearly defines the emission reduction targets, provides steps to be taken for reducing the emissions and sets a clear cut timeline. Even the National Action Plan on Climate Change does not suffice. Therefore, there is a need for establishment of a proper institutional framework for implementation and monitoring of various existing missions and to take up new challenges.

Climate change is not the concern of just the Ministry of Environment, Forests and Climate Change but of each and every Ministry. It is the duty of the Government to integrate and coordinate the efforts of the various Ministries and properly channelize them to attain the ultimate target of reducing Green House Gas emissions and to contribute India's part in fighting the global warming and other climate change phenomena. This Bill has been proposed to address the above mentioned issues.

NEW DELHI; KALIKESH NARAYAN SINGH DEO

November 27, 2014.

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides that the Central Government shall constitute a National Committee on Climate Change for the purpose of advising the Government on matters related to climate change. Clause 12 provides for appointment of Chairperson and members of the Committee and also salaries and allowances payable to them. Clause 17 provides for the establishment of a Carbon Trading Authority for the purpose of formulating the Carbon Trading Scheme. At this stage, it is not possible to give the exact amount to be incurred on this account. However, the expenditure, whether recurring or non-recurring, will be met out of the Consolidated Fund of India. It is expected that a recurring expenditure of about rupees one thousand crore will be involved annually.

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

———

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 a normal character.

BILL NO. 78 OF 2015

A Bill to provide for special financial assistance to the State of Odisha for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of people, welfare of agricultural labourers, assistance for relief and restoration of damaged infrastructure in the State due to recurrent natural calamities 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 State of Odisha 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 State of Odisha.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Odisha to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purposes of:—

(i) promoting the welfare of Schduled Castes, Scheduled Tribes and Other Backward Sections of people;

(ii) implementing welfare measures aimed at improving the condition of agricultural labourers;

(iii) providing assistance to the State in matters of relief and restoration of damaged infrastructure in the State due to recurrent natural calamities; and

(iv) development, exploitation and proper utilization of the resources in the State.

Act not in derogation of any other law.

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

The State of Odisha is socially and economically backward. It has been ranked as the most backward and least developed. Problems such as poverty, unemployment and illiteracy are rampant and required to be addressed urgently and in a time-bound manner. It is also essential to take up measures for proper utilization of its resources, welfare of weaker sections in the region and for initiating new development schemes for the most economically backward Koraput, Balangir and Kalahandi (KBK) region.

Recurrent natural calamities year after year warrants further assistance from the Centre for relief and restoration of damaged infrastructure in the State in a time-bound manner. Due to recurring natural calamities, the condition of agricultural labourers in the State is far from satisfactory and their protection and welfare is of paramount importance.

The State of Odisha has also been facing the problem of Naxalite violence for a number of years. In view of its economic backwardness, the naxalites have found sympathetic elements within the population. Economic backwardness is the root cause of the naxalite problem. It is, therefore, necessary that the Central Government should come forward and provide financial assistance to the State of Odisha for its all-round development.

Hence this Bill.

NEW DELHI;
February 9, 2015

KALIKESH NARAYAN SINGH DEO

FINANCIAL MEMORANDUM

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

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Odisha. As the sums of moneys which will be given to the State of Odisha as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible at present 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. 208 OF 2015

A Bill to set up an Authority for registration of lobbyists; to provide for disclosure of lobbying activities that influence legislative and executive decision-making in order to increase transparency in governance and for matters connected therewith.

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 Disclosure of Lobbying Activities 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 different provisions of this Act and any reference in 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*) "Authority" means the Lobbyists Registration Authority constituted under section 3;

(*b*) "client" means any person or an organisation that employs another person or organisation for financial or other benefits to conduct lobbying activities on its behalf;

(*c*) "communication with a public servant" means an oral or written or electronic communication with any public servant;

(*d*) "consultant lobbyist" means any person or an organization that conducts lobbying activity on behalf of a third party client, in return for financial or any other form of benefit;

(*e*) "employee" means any person who is an officer or a partner or a director or a manager of a lobbying organisation;

(*f*) "lobbying activity" means an act of communication with and payment to a public servant with the aim of influencing—

(*i*) introduction, passing or defeat of a Bill or any amendment thereto in either House of Parliament or legislature of a State;

(*ii*) formulation, modification, implementation or termination of any Government policy or programme;

(*iii*) awarding of a grant, loan, licence, contract, permit or allocation of funds to an individual or an organisation;

(*iv*) decision of a public servant to transfer an asset, business or institution that currently produces goods and services for the public, to a private person or to a privately-owned organisation; and

(*v*) nomination or promotion of any person for a position in public office;

but does not include a communication that is—

(*a*) made by a person or a media organisation with the aim of disseminating news or providing information to the public;

(*b*) made in a speech, article, editorial or any other publication or through radio, television or any medium of communication that is accessible by or available to the public;

(*c*) testimony given before a committee constituted by the Government;

(*d*) made in response to a request for tender; and

(*e*) made in response to a published Government notice or circular, soliciting communication from the public on matters connected with Government legislation, policies and programmes.

(*g*) "lobbyist" means any person or an organization which conducts lobbying activity either on his behalf or on behalf of a third party client, in return for financial or other benefit;

(*h*) "payment" means contributions made in cash or kind and includes cost of meals, retreat, vacation, meeting, conference, travel or support for election campaign and offering gifts in the course of lobbying activity;

(*i*) "public servant" shall have the same meaning as assigned to it in the Prevention of Corruption Act, 1988; 49 of 1988.

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

(*k*) "Register of Lobbyists" means register maintained by the Lobbyists Registration Authority of all registered lobbyists in the country; and

(*l*) "registrant" means a lobbyist who is registered with the Lobbyists Registration Authority.

CHAPTER II
LOBBYISTS REGISTRATION AUTHORITY

Constitution of Lobbyists Registration Authority.

3. *(1)* The Central Government shall, within three months of the coming into force of this Act, constitute an Authority to be known as the Lobbyists Registration Authority to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The headquarter of the Authority shall be at New Delhi.

Composition of the Authority.

4. (*1*) The Authority shall consist of—

(a) a Chairperson who shall have special knowledge and experience of not less than twenty-five years, in matters relating to anti-corruption policy, public administration, vigilance, finance, law or management;

(b) two members, who shall have judicial background;

(*c*) two members representing the Union Ministry of Home Affairs;

(d) one member representing the Institute of Chartered Accountants of India; and

(*e*) not more than five members from the Indian Audit and Account Service, to be nominated by the Central Government.

(2) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Authority shall be such as may be prescribed by the Central Government.

(3) The Central Government may, in consultation with the Authority, appoint such number of officers and staff for efficient functioning of the Authority as it may consider necessary.

(4) The salary and allowances payable to, and other terms and conditions of service of the officers and staff of the Authority shall be such as may be prescribed.

CHAPTER III
REGISTRATION OF LOBBYISTS

Lobbyists to register with the Authority.

5. (*1*) Every person or organization, which intends to undertake any lobbying activity, shall apply to the Authority for registration in such form and manner as may be prescribed.

(*2*) Every applicant, while submitting the application, shall furnish the following information:—

(*a*) name, address and place of business;

(*b*) in case the applicant is a consultant lobbyist, name, address and place of business of its client and details of such organizations as have direct interest in the outcome of the lobbying activity or play a direct role in the lobbying activity by funding, controlling or supervising the lobbying activity;

(*c*) subject-matter or the area in which the applicant intends to engage in lobbying activity; and

(*d*) list of employees who will engage with public servants during the course of lobbying activity and whether any of such employee has held any public office at any time, prior to being employed by the applicant.

(*3*) Every consultant lobbyist shall inform the Authority about the particulars of a public servant with whom the lobbying activity will be conducted.

(*4*) Where an applicant intends to undertake lobbying activity on behalf of more than one client, a separate application for registration under sub-section (*1*) shall be made for each client.

Termination of registration.

6. A registrant who—

(*a*) does not intend to conduct any further lobbying activity; or

(*b*) is no longer employed by a client to pursue a particular lobbying activity

may apply for termination of registration.

CHAPTER IV
FILING OF REPORTS

Registrants to file half-yearly reports.

7. (*1*) Every registrant shall prepare and submit to the Authority a half-yearly report giving a true and full account of its lobbying activities during that period.

(*2*) The half-yearly report under sub-section (*1*) shall be submitted by the tenth day of January and the tenth day of July, respectively, during a calendar year:

Provided that where the tenth day is not a business day, the half-yearly report shall be submitted on the business day immediately following the tenth day.

(*3*) The half-yearly report shall contain,—

(*a*) in case the registrant is a consultant lobbyist, full name, address and place of business of the registrant and the client;

(*b*) full name, address and place of business of any organization, other than the client, who controls or plays a direct role in the lobbying activity by funding, controlling or supervising the lobbying activity or any organization that has a direct interest in the outcome of the lobbying activities;

(*c*) in case client is a corporation, the name and business address of the corporation including the name, address and place of business of its subsidiaries;

(*d*) in case client is a partnership company, the name, address and place of business of the partners involved;

(*e*) in case client is a public sector unit, the percentage of holdings of the Government of India in it;

(*f*) name, address and place of business of foreign organization, if any, involved or associated in the lobbying activity;

(*g*) in case of registrant undertaking lobbying activity on its own, a list of the employees of the organization involved in the lobbying activity;

(*h*) a list of the employees of the consultant lobbyist who are engaged in the lobbying activity;

(*i*) details of the subject-matter of lobbying activity,—

(*a*) whether lobbying was undertaken for awarding of a contract; or

(*b*) grant for financial benefit or to influence a legislation or a policy or a programme;

(*j*) outcome of a lobbying activity, if any;

(*k*) name and designation of public servant with whom the lobbyist engaged with;

(*l*) the amount, description and date of payment, if any, made by the lobbyist to the public servant;

(*m*) dates of communication or meeting with the public servant with whom the lobbying activity was undertaken;

(*n*) true and full estimate of the total expenses incurred by the registrant with regard to the lobbying activity;

(*o*) in case of a consultant lobbyist, a true and full account of the expenses incurred by the client in connection with lobbying activities; and

(*p*) such other details as may be prescribed.

Mode of submitting reports.

8. The half-yearly report shall be submitted in electronic form as well as in such other form as the Authority may direct.

CHAPTER V
POWERS AND FUNCTIONS OF THE AUTHORITY

Powers and functions of the Authority.

9. The Authority shall perform the following functions—

(*a*) give such recommendations to the Central Government with regard to the implementation of this Act and framing of rules and norms for registration and submission of reports as it may consider necessary;

(b) maintain a Register of Lobbyists containing such particulars as may be prescribed;

(*c*) maintain and verify the accuracy of the information contained in the reports submitted by lobbyists in such manner as it may deem fit;

(*d*) obtain such information from the public servant as it deems necessary for corroborating the information given by the registrant;

(*e*) prescribe fee for every registration from time to time;

(f) issue a notice to any registrant who fails to submit a half-yearly report or provides inaccurate or incomplete information;

(g) conduct an investigation, if it has reasons to believe that any person or an organization is engaged or was at any time engaged in lobbying activities without being registered as a lobbyist in the Register of Lobbyists;

(h) prepare an annual report concerning the administration of this Act and forward it to the Central Government; and

(i) the annual report referred to in clause (*h*) shall contain—

(*a*) summary of information contained in registrations and reports filed by lobbyists;

(*b*) details of investigations conducted against any person or any organization under clause (*g*); and

(*c*) penalty imposed on any person or an organization proved guilty of committing an offence under this Act.

CHAPTER VI
PENALTIES

Penalty.

10. (*1*) Any person or organization who engages in lobbying activity without registration with the Authority shall be guilty of committing an offence under this Act and shall be punished with a fine which may extend to fifty lakh rupees.

(*2*) Where any registrant on receipt of a notice issued to him under clause (*f*) of section 9 fails to remedy a defect in the report submitted by him to the Authority within a period of sixty days from the date of receipt of such notice, the registration of such registrant shall either be suspended for such period as the Authority may deem fit or cancelled forthwith and such registrant shall also be punished with fine which may extend to seventy five lakh rupees or imprisonment which shall not be more than five years or with both.

(*3*) The Authority shall communicate every decision of suspension or cancellation of registration taken under sub-section (*1*) to concerned public servants.

CHAPTER VII
DISCLOSURE BY PUBLIC SERVANTS

Information to be furnished by public servants.

11. Every public servant shall furnish information regarding payments received by him from a lobbyist during the course of a lobbying activity to the Authority, in such form and manner, as may be prescribed.

CHAPTER VIII
PUBLICATION OF INFORMATION

Information to be made available to public.

12. The Authority shall make available to the public every information provided to it by the registrant through a website maintained by it, in such form and manner, as may be prescribed.

CHAPTER IX
MISCELLANEOUS

Submission of annual report.

13. (*1*) The Authority 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 that financial year.

(*2*) The Central Government shall cause such report to be laid before both Houses of Parliament, as soon as may be, after it is submitted.

Act to have overriding effect.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Prevention of Corruption Act, 1988 or 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. 49 of 1988.

Power to make rules.

15. (*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 make, 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

Representative democracy necessitates that the interests of all individuals and groups are heard and addressed during formulation of legislation or policy so that the resultant laws and policies are in the interest of all sections of the governed. Lobbying provides an opportunity for individuals and organizations to voice their views on Government decisions that affect them and those around them and hence, forms an integral part of democratic functioning.

However, there is a growing fear among the public that lobbyists, especially corporate lobbyists, are gaining undue powers to influence public policy and that decisions arising from such lobbying activities are detrimental to the interests of the exchequer and the public at large.

Given the inherent advantages and necessity of lobbying, what we need is not regulation that bans or prohibits lobbying, rather, we need a regulation that will set norms for the functioning of lobbyists and provide for public availability of information regarding their activities. Having access to information on who is engaging in lobbying activities, who is being lobbied, who is funding these activities and the issues on which lobbying is being conducted will create greater public awareness on lobbying activities. This will strengthen transparency and accountability in governance and increase public confidence in the Government. Public availability of information on lobbying activities will also serve as a check and balance on the acts of and demands made by the lobbyists.

The Government had taken a huge step to bolster the transparency of national governance through the Right to Information Act, 2005. This Bill is a move in the same direction and addresses the above-mentioned issues.

NEW DELHI;
February 9, 2015.

KALIKESH NARAYAN SINGH DEO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of an Authority for Registration of Lobbyists. Clause 4 provides for salary and allowances payable to the Chairperson, members, officers and staff of the Authority. Clause 9 provides for maintaining a register of lobbyists, conducting of investigation into matters of lobbying without registration and preparation of annual report by the Authority. Clause 12 provides for publication of information submitted by registrants to the Authority.

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 will be involved per annum.

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

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 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. 160 OF 2015

A Bill to provide for a comprehensive inspection control policy and antimicrobial stewardship programme for hospitals and other healthcare facilities to prevent and control the incidence of hospital-acquired infections, mandatory reporting system for such infections and for matters connected herewith.

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 Hospital-Acquired Infections (Prevention, Control and Mandatory Reporting) 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*) "Committee" means the Hospital-Acquired Infection Advisory Committee constituted under section 3;

(*b*) "data" means any information submitted by a hospital or a healthcare facility to the Central Government;

(*c*) "healthcare facility" means any general, critical care or specialized healthcare institute;

(*d*) "hospital-acquired infection" means any localized or systemic condition resulting from an adverse reaction due to the presence of an infectious agent or its toxin that occurs in a patient in a hospital or a healthcare facility; and

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

Constitution of Hospital-Acquired Infections Advisory Committee.

3. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Hospital-Acquired Infections Advisory Committee.

(2) The Committee shall consist of a Chairperson and such number of members, including experts from the medical profession, pharmacy, public health and health communities, as may be prescribed.

(3) The Chairperson and members of the Committee shall be appointed by the Central Government in such manner, as may be prescribed.

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

(5) The Committee shall have its headquarter at New Delhi.

(6) The Committee may also set up offices at such conspicuous places with prior approval of the Central Government for carrying out the purposes of this Act.

(7) The Central Government shall appoint such number of officers and staff, as may be necessary, for the efficient functioning of the Committee.

Functions of the Committee.

4. The Committee shall—

(*a*) advise the Central Government in preparation of an action plan for prevention, control and mandatory reporting of hospital-acquired infections;

(*b*) define the criteria for determining healthcare facilities which shall be covered under this Act;

(*c*) evolve a system for mandatory reporting by hospitals and healthcare facilities of hospital-acquired infections;

(*d*) frame a comprehensive infection control policy to prevent hospital-acquired infections;

(*e*) frame an antimicrobial stewardship programme to promote rational use of antibiotics in hospitals and healthcare facilities;

(*f*) suggest measures to address hospital-acquired infections;

(g) submit periodical reports on the extent, pattern and trends of hospital-acquired infections, in such form and manner, as may be prescribed;

(*h*) recommend to the Central Government the penalties, which may be imposed on a hospital or a heathcare facility for non-compliance of the provisions of this Act;

(i) create public awareness about effective measures to reduce the spread of infections in communities, hospitals and healthcare facilities; and

(*j*) perform such other tasks as may be assigned to it by the Central Government for carrying out the purposes of this Act.

Mandatory Reporting system.

5. *(1)* The mandatory reporting system under clause (c) of section 4 shall include—

(i) patient's diagnosis at the time of admission;

(ii) specific infectious agents or toxins and site of each infection;

(iii) clinical department or unit within the hospital or a healthcare facility where the patient gets infected or is diagnosed with infection for the first time;

(iv) any relevant, specific, surgical, medical or diagnostic procedure performed during admission;

(v) data regarding implementation and evaluation of interventions to reduce hospital-acquired infections; and

(vi) any other informations deemed appropriate by the Central Government.

(*2*) The instructions under the mandatory reporting system shall be—

(i) based upon scientific evidence; and

(ii) capable of being used and easily understood by the public including patients.

Central Government to provide adequate funds to the Committee.

6. The Central Government shall provide adequate funds to the Committee for carrying out the purposes of this Act.

Role of hospitals and healthcare facilities.

7. *(1)* Every hospital and healthcare facility shall maintain a programme capable of identifying, tracking and mandatory reporting of, hospital-acquired infections, in such form and manner, as may be specified by the Committee.

(2) Every hospital and healthcare facility shall submit data relating to prevention, control and mandatory reporting of hospital-acquired infections to the Committee in such form and manner as may be prescribed.

Constitution of task force.

8. Every hospital and healthcare facility shall constitute a task force to ensure effective implementation of the infection control policy framed by the committee under clause (d) of section 4.

Formulation an antimicrobial stewardship programme.

9. Every hospital and healthcare facility shall formulate a mechanism to ensure implementation of the antimicrobial stewardship programme framed by the Committee to promote rational use of antibiotics.

Act to have overriding effect.

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

Power to make rules.

11. (*1*) The Central Government may, by notification in 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 two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or both 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

Hospital-acquired infections are infections that patients acquire during the course of receiving treatment for other conditions in a hospital or in a healthcare facility. Hospital-acquired infections are global public health issues. World Health Organization (WHO) suggests that hospital-acquired infections are the most frequent adverse events in healthcare delivery worldwide and at any given time, seven per cent. and ten per cent. patients in developed and developing countries, respectively, acquire at least one hositpal-acquired infection.

Hospital-acquired infections are undesirable from the perspective of both the patient and the hospital and result in increased mortality, prolonged hospital stay, increased resistance to antimicrobials, increased recovery time and in some cases create long term disability. The additional financial burden of cost attributable to these infections has serious financial implications for patients, particularly in view of low health insurance coverage in India.

At present, no national data is available on the prevalence of hospital-acquired infections in India. The knowledge about prevalence of hospital-acquired infections in India comes from studies conducted in a few hospitals. A report estimated that one in four patients admitted into hospitals in India developed hospital-acquired infections, compared to incidence of five to ten per cent. in most developed nations.

Lack of national surveillance system has hampered assessment of healthcare burden associated with hospital-acquired infections in India. Continued surveillance, effective infection control programmes, rational use of antibiotics and enhanced public awareness can reduce the incidence of hospital-acquired infections, improve patient care and help better prioritization of resources.

The Bill, therefore, seeks to provide, *inter-alia,* for the following measures—

(*a*) constitution of Hospital-Acquired Infection Advisory Committee to advise the Central Government in preparation of an action plan for the prevention, control and mandatory reporting of hospital-acquired infections;

(*b*) mandatory reporting of hospital-acquired infections by every hospital and healthcare facility;

(*c*) constitution of a task force in every hospital and healthcare facility to ensure effective implementation of infection control policy framed by the Committee;

(*d*) antimicrobial stewardship programme to promote rational use of antibiotics; and

(*e*) creation of public awareness about effective measures to reduce the spread of infections in communities, hospitals and healthcare facilities.

Hence this Bill.

NEW DELHI;
April 5, 2015

PREM DAS RAI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Constitution of a Hospital-Acquired Infections Advisory Committee for the prevention, control and mandatory reporting of hospital-acquired infections in hospitals and health facilities. Clause 4 provides, *inter-alia*, that the Committee shall create public awareness about effective measures to reduce the spread of infections in communities, hospitals and healthcare facilities. Clause 6 provides that the Central Government shall provide adequate funds to the Committee for carrying out the purposes of this Act. Clause 7 provides that every hospital and healthcare facility shall maintain a programme capable of identifying, tracking and mandatory reporting of hospital-acquired infections and submit data relating to prevention, control and mandatory reporting of hospital-acquired infections to the Committee. Clause 8 provides for Constitution of a task force by every hospital and healthcare facility to ensure effective implementation of infection control policy prepared by the Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore per annum would be involved.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

BILL NO. 6 OF 2016

A Bill to provide for the establishment of a permanent Bench of the Supreme Court of India at Guntur.

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

Short title.

1. This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Guntur) Act, 2016.

Establishment of a Permanent Bench of Supreme Court at Guntur.

2. There shall be established a permanent Bench of the Supreme Court of India at Guntur and such Judges of the Supreme Court, being not less than five in number, as the Chief Justice of India may from time to time nominate, shall sit at Guntur in order to exercise the jurisdiction and power for the time being vested in the Supreme Court in respect of cases arising in the States of Andhra Pradesh, Telangana, Tamil Nadu, Karnataka, Kerala, Odisha, Chhattisgarh, Madhya Pradesh, 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 with the approval of the Chief Justice of India from time to time.

STATEMENT OF OBJECTS AND REASONS

Demands for Supreme Court Benches to quicken the process of Justice and reduce the burden on the Apex Court which is now bogged down by 70,000 cases have been going on for many years. Secondly, distance of the Apex Court in the National Capital from other parts of the country coupled with high travel expenses and cost of litigation were coming in the way of citizens from the far-flung areas to approach the top court of the land, which otherwise is also burdened with large-scale of pendency of cases.

A Five-Judges Bench of the Supreme Court in Bihar Legal Support Society *Vs.* Chief Justice of India and Another, in 1986, found the desirability to establish the Supreme Court Benches in North, South, East and Western India and said that the present Apex Court should only entertain cases involving questions of constitutional and public law.

The Law Commission of India in its 125th Report, 1998 titled "The Supreme Court a Fresh Look" had stated, "the Supreme Court sits in Delhi alone. The Government of India, on a couple of occasions, sought the opinion of the Supreme Court of India for setting up of a Bench in the South. This proposal did not find favour with the Supreme Court. The result is that those coming from distant places like Andhra Pradesh, Kerala, Tamil Nadu, etc., in South have to spend huge amount on travel to reach the Supreme Court...."

The Law Commission in its 229th Report, 2009 had reiterated that Benches be set up each in the Northern, Southern, Western and Eastern parts of the country to deal with all appellate work arising out of orders/judgments of the State High Courts.

Before the reorganisation of the State of Andhra Pradesh, between 1953 and 1956, the Andhra High Court used to function from Guntur. But, after formation of Andhra Pradesh State, as part of the States' reorganisation process in 1956, the Andhra High Court was merged with Andhra Pradesh High Court and was shifted to Hyderabad.

After bifurcation of the State of Andhra Pradesh in 2014, Guntur has finally been selected as the new capital of Andhra Pradesh and the process of constructing a new capital is on its wings. The inauguration of construction of capital was also made on 22nd October, 2015. The capital is going to be a world-class one with most modern and latest facilities. As Guntur is centrally located and easily accessible to all Southern States, the Bill, therefore, proposes to have a Bench of the Supreme Court in Guntur to help the crore of people residing in Southern States to get legal remedy without going to the National Capital of Delhi at their doorsteps.

The Bill aims to achieve the above objective.

NEW DELHI;
November 13, 2015.

JAYADEV GALLA

THE SUPREME COURT OF INDIA (ESTABLISHMENT OF A PERMANENT BENCH AT GUNTUR) BILL, 2016 BY SHRI JAYADEV GALLA, M.P.

[Copy of letter No. K-15019/15/2015-US.1 dated 14 January, 2016 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 of India (Establishment of a Permanent Bench at Guntur) Bill, 2016 by Shri Jayadev Galla, 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 Guntur. The Bill, therefore, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five crore is likely to be involved per annum for the purpose of payment of allowance to the Judges of the Bench and payment of salaries to the Court servants.

A non-recurring expenditure of about rupees one hundred crore may be involved for the construction of building of the Court, etc. and appointment of staff members.

BILL NO. 5 OF 2016

A Bill further to amend the Constitution of India.

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

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2016. Short title and commencement.

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

2. In article 12 of the Constitution, after the words "or other Authorities", the words "or Institution of Self Government" shall be inserted. Amendment of article 12.

STATEMENT OF OBJECTS AND REASONS

The 73rd and 74th Constitutional Amendments passed by Parliament in 1992 introduced local self-governance throughout the territory of India. The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992 came into force on 24 April, 1993 and 1 June, 1993, respectively.

These amendments added two new parts to the Constitution, namely:—

(*i*) Part IX titled "The Panchayats" adding articles 243 to 243O dealing with Panchayats; and

(*ii*) Part IXA titled "The Municipalities" adding articles 243P to 243ZG dealing with Municipality.

Hence fulfilling one of the Directive Principles of State Policy with respect to article 40, that is, 'Organisation of Village Panchayats' thereby accomplishing the vision and intent of the framers of our Constitution to ensure self government at the lowest organisational levels of governance.

Articles 243G and 243W prescribe the powers, authorities and responsibilities, etc. of Panchayats and Municipalities, respectively. The Eleventh and Twelfth Schedule to the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regard to article 243G and by Municipalities with regard to article 243W, respectively. The Constitution, hence, deals with Panchayats and Municipalities in a great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution and the manner in which representation of the citizens, governance and devolution of powers in the nation was to be conducted. However, while monumental in themselves, the amendments failed to change the definition "the State" as mentioned in the Constitution.

Earlier, Panchayat and Municipality were classified under "local or other authorities" under article 12, but after the 73rd and 74th Constitutional Amendments came into force, they were established as "institution of Self Government" under the Constitution.

The definition of Panchayat and Municipality under articles 243 and 243P, respectively establishes them with respective norms as 'institution (by whatever named called) of self Government'.

Article 12 has been a part of the Constitution since the original document was framed and was not amended by the 73rd and 74th Constitutional Amendments to bring it in line with the changes made by the amendments.

In view of the above, the proposed amendment Bill seeks to include the Panchayats and Municipalities within the definition of the 'State' under article 12 of the Constitution.

Hence, It has become expedient to introduce the words "or Institution of Self Government" in article 12 of the Constitution.

Hence, this Bill.

NEW DELHI; P.P. CHAUDHARY
November 13, 2015.

BILL NO. 4 OF 2016

A Bill further to amend the Constitution of India.

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

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2016.

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

Amendment of article 66.

2. In article 66 of the Constitution, in clause (*4*), after the words "or other authority", the words "or Institution of Self Government" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The 73rd and 74th Constitutional Amendments passed by Parliament in 1992 introduced local self-governance throughout the territory of India. The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992 come into force on 24 April, 1993 and 1 June, 1993, respectively.

These amendments added two new parts to the Constitution, namely:—

(i) Part IX titled "The Panchayats" adding articles 243 to 243O dealing with Panchayats; and

(ii) Part IXA titled "The Municipalities" adding articles 243P to 243 ZG dealing with Municipality.

Hence fulfilling one of the Directive Principles of State Policy with respect to article 40, that is, 'Organisation of Village Panchayats' and accomplishing the vision and intent of the framers of our Constitution to ensure self government at the lowest organisational levels of governance.

Articles 243G and 243W prescribe the powers, authorities and responsibilities, etc. of Panchayats and Municipalities, respectively. The Eleventh and Twelfth Schedule to the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regards to article 243G and by Municipalities with regard to article 243W, respectively. The Constitution, hence, deals with Panchayats and Municipalities in a great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution and the manner in which representation of the citizens, governance and devolution of powers in the nation was to be conducted.

However, while monumental in themselves, the amendments failed to change the qualifications for the election of the Vice-President of the Union of India.

Article 66(4) states that a person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or Government of any State or under any local or other authority.

The inclusion of Panchayats and Municipalities as separate and distinct bodies in the Constitution as established by the 73rd and 74th Constitutional Amendments requires their inclusion as a disqualification under Office of Profit for election to the office of Vice-President. This is because the second highest office in the nation should not be influenced in any manner by any authority in the discharge of his duties.

In view of the above, the proposed amendment Bill seeks to include the Panchayats and Municipalities as distinct bodies rather than their present inclusion under 'any local or other authority' as offices of profit for election to the office of the Vice-President.

Hence, it has become expedient to introduce the words "or Institution of Self Government" within article 66(4) of the Constitution.

NEW DELHI;
November 13, 2015.

P.P. CHAUDHARY

BILL NO. 336 OF 2015

A Bill to provide for the constitution of a National Commission for Sugarcane Farmers 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:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the National Commission for Sugarcane Farmers 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*) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) 'Commission' means the National Commission for Sugarcane Farmers constituted under section 3;

(*c*) 'Fund' means the Sugarcane Farmers and Workers Welfare Fund constituted under section 11;

(*d*) 'member' means a Member of the Commission and includes the Member-Secretary;

(*e*) 'prescribed' means prescribed by rules made under this Act.

(*f*) 'sugarcane farmer' means a farmer engaged in cultivation of sugarcane and has no income from any source other than cultivation of sugarcane; and

(*g*) 'sugarcane workers' means a skilled or non-skilled person engaged in sugarcane cultivation.

CHAPTER II

THE NATIONAL COMMISSION FOR SUGARCANE FARMERS

Constitution of the National Commission for Sugarcane Farmers.

3. *(1)* The Central Government shall constitute a Commission to be known as the National Commission for Sugarcane Farmers to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of—

(a) a Chairperson, committed to the cause of sugarcane farmers livelihood and welfare to be nominated by the Central Government;

(b) five members to be nominated by the Central Government from amongst persons of ability, integrity and standing who had experience in sugarcane farming, understanding the plight of sugarcane farmers, sugar pricing and international issues, social justice, law or legislation and are committed to the welfare of sugarcane farmers;

(c) Vice-Chancellors of all Agricultural Universities, as members ex-officio;

(d) a Member-Secretary to be nominated by the Central Government, who shall be —

(i) an expert in the field of management, organizational structure on sugarcane issues, or

(ii) an officer who is a member of a civil service of the Union or of an All-India Service or holds a civil post under the Union Government with appropriate experience, or

(iii) an expert who has done research on agriculture especially on sugarcane and equal/equivalent to the post of Professor in a college or a University.

Term of Office and conditions of service of Chairperon and members.

4. *(1)* The Chairperson and every member except *ex-officio* members shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The Chairperson or a member (other than the Member-Secretary who is a member of a Civil Service of the Union or of an All-India Service or holds a Civil post under the Union Government) may, by writing and addressed to the Central Government, resign from the Office of Chairperson or, as the case may be, of the member at any time.

(3) The Central Government shall remove a person from the office of the Chairperson or a member, as the case may be, if that person—

(*a*) becomes an undischarged insolvent;

(*b*) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(*c*) becomes of unsound mind and stands so declared by a competent court;

(*d*) refuses to act or becomes incapable of acting;

(*e*) without taking leave from the Commission, absent himself from three consecutive meetings of the Commission; and

(*f*) in the opinion of the Central Government, has abused his position of Chairperson or a member so as to render his continuance in office detrimental to public interest:

Provided that no person shall be removed under this sub-section unless he has been given an opportunity of being heard in the matter.

(*4*) A vacancy caused under sub-section (*3*), shall be filled within one month from the date on which the vacancy has been arisen.

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

Officers and employees of the Commission.

5. (*1*) The Central Government shall provide suitable officers and employees to the Commission for its efficient performance under this Act.

(*2*) The salaries and allowances payable to, and other terms and conditions of service of officers and employees shall be such as may be prescribed.

Salaries and allowances to be paid out of grants.

6. The salaries and allowances payable to the Chairperson and the members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section *(1)* of section 12.

Vacancies not to invalidate proceedings of the Commission.

7. No Act or proceeding of the Commission shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Committees of the Commission.

8. *(1)* The Commission may, for efficient discharge of its functions, constitute such Committees as may be necessary for dealing with or studying issues that may be taken up by the Commission from time to time.

(*2*) The Commission may appoint such members, as it may deem fit, on Committees constituted under sub-section (*1*):

Provided that the members of the Committee who are not members of the Commission shall not have the right to vote on matters of the Commission.

(3) The allowances payable to members appointed to the Committees shall be such as may be prescribed.

Procedure to be regulated by the Government.

9. (*1*) The Commission shall regulate its own procedure.

(*2*) All orders and decision of the Commission shall be authenticated by the Member-Secretary.

CHAPTER III

FUNCTIONS OF THE COMMISSION

Functions of the Commission.

10. (*1*) The Commission shall perform all or any of the following functions, namely—

(*a*) undertake annual income surveys of sugarcane farmers and sugarcane workers across various categories, including different crops and landholding sizes;

(*b*) make policy suggestions to ensure that minimum income accrues to farmers across various categories;

(*c*) design periodically an income security framework for various categories of farmers, *inter-alia* including market interventions, compensation, subsidies, reduction in cost of production, mechanization, capacity building, credit enhancement, strengthening supply chains or any other tool that the Commission deems fit;

(*d*) review, from time to time, various schemes of the Central Government pertaining to agriculture and income of farmers;

(*e*) make recommendations to Central Government for effective implementation of policies and schemes ensuring that the minimum income accrues to farmers;

(*f*) call for special studies and investigations into problems arising out of agrarian distress, and make timely recommendations to the Central Government for approriate action;

(*g*) undertake promotional and educational research to ensure minimum incomes for farming households, enhancement of income of farmers and productivity in agriculture;

(*h*) take *suo-moto* notice of matters relating to—

(*i*) sugarcane farmers' distress particularly sugarcane farmers' suicides across the country;

(*ii*) non-implementation or poor implementation of policies or schemes of farmers; and

(*iii*) non-compliance of policy decisions, guidelines and instructions taken for farmers.

(*i*) evaluate the status of livelihood of sugarcane farmers across various regions in the country;

(*j*) make periodic reports to the Government on any matters pertaining to sugarcane farmers;

(*k*) payment to sugarcane farmers within a week after delivery of sugarcane to sugar mills;

(*l*) payment of interest at the rate of fifteen *per cent.* for the delay in payment by sugar mills;

(*m*) training of sugarcane farmers and labourers;

(*n*) subsidized loan for fertilizers, seeds, pesticides, equipments, labour and transportation cost to the sugarcane farmers;

(*o*) compensation to sugarcane farmers in case of loss of crops on non-acceptance of sugarcanes by sugar mills; and

(*p*) take up any other matter that may be referred to it by Central Government.

Constitution of Sugarcane Farmers Welfare Fund.

11. *(1)* The Central Government shall constitute a Fund to be known as the Sugarcane Farmers Welfare Fund for the purposes of this Act.

(2) The Fund shall consist of contributions from Central Government and State Governments in such proportion as may be provided.

(3) The Fund shall be administered by the Commission in such manner as may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by Central Government.

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

(2) The Commission 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 grants under sub-section (1).

Accounts and Audit.

13. (*1*) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by Central Government in consultation with Comptroller and Auditor-General of India.

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

(*3*) The accounts of the Commission, as certified by the Comptroller and Auditor-General along with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

Annual Report.

14. The Commission shall prepare once every year, in such form and within 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.

Annual report and audit report to be laid before Parliament.

15. The Central Government shall cause the annual report along with a memorandum of actions taken on recommendations and reasons for non-acceptance of recommendations, if any, of any such recommendations to be laid, as soon as may be, after the reports are received, and the audit report before each House of Parliament.

Facilities to the sugarcane farmers and workers.

16. The Central Government shall provide the following facilities to the sugarcane farmers,—

(i) payment of old-age pension at the rate of five thousand per month to every sugarcane farmers and workers who have attained the age of sixty years and is unable to perform his or her job on account of infirmity and incapacity;

(ii) subsidized healthcare facilities to the sugarcane farmers and workers and dependent family members at the Government and other designated hospitals;

(iii) subsidized education facilities including supply of books, uniform, writing materials, transportation and hostel facilities for the children of sugarcane farmers and workers;

(iv) free insurance cover to sugarcane farmers and workers; and

(v) subsidized housing loan to sugarcane farmers and workers.

Central Government to provide adequate funds.

17. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide such sums of money to the State Governments, as may be necessary for carrying out the purposes of this Act.

CHAPTER V

MISCELLANEOUS

Chairperson members and staff of the Commission to be public servants.

18. The Chairperson, the members, officers and the other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860

Central Government to consult Commission.

19. The Central Government shall consult the Commission on all major policy matters affecting farmers.

Power to make rules.

20. (*1*) The Central Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(*a*) salaries, allowances and terms and conditions of service of Chairperson and members under sub-section (*5*) of section 4 and other employees and officers under sub-section (*2*) of Section 5.

(*b*) allowances paid to members appointed to Committees under sub-section (*3*) of section 8.

(*c*) other matters under sub-section (3) of section 4 on the basis of which the Central Government can remove a Chairperson or member from the Commission.

(*d*) the form, and timeline as per which the annual statements of accounts shall be maintained under section 12.

(*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 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

Sugarcane is yearly crop and thus multi cropping in the sugarcane farm is not possible. The labour in the sugarcane farming is required only for less than half of the year and only in peak season of sowing and harvesting. Due to lack of other crops farming in a year the labourer remain unemployed. The labour employed in sugar farming is marginal workers who get employment for less than six months in a year. The price of sugarcane is not decided by market but fixed by the Government year to year and varies from State to State. It is not a market regulated produce but Government regulated. The payment to farmers from sugar mills is also not instant but received only after few weeks of delivering the sugarcane to mills. In recent years, due to non-payment of their dues by mills, the conditions of farmers and labourers has become worst. The sugarcane farmers are not able to pay their dues and loans and meet the family expenditure on time. Moreover, the cases of farmers' suicide has risen alarmingly. The farmers engaged in sugarcane farming are always burdened with debt and are not able to pay to labourers on time. Non-payment to labourers lead to their suffering and thus forming a vicious circle which further leads to migration of labourers leaving the farming and looking for some other option for livelihood. Many farmers, due to financial stress, resort to anti-social activities like drinking, family violence, drugs etc. The Bill, therefore, seeks to ensure provisions of certain safeguards aimed at welfare of sugarcane farmers and labourers.

Hence this Bill.

NEW DELHI;
November 13, 2015.

RAJESH PANDEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Commission for Sugarcane Farmers. Clause 6 provides for salaries and allowances to be paid to the Chairperson and members of the Commission. Clause 8 provides for appointment of Commission to deal with or study issues that may be taken by the Commission. Clause 11 provides for constitution of Sugarcane Farmers Welfare Fund for the welfare of sugarcane farmers. Clause 12 provides that the Central Government shall provide funds to the Commission. Clause 13 provides for payment of expenditure incurred in connection with audit of the Commission. Clause 16 of the Bill provides that the Central Government shall provide certain facilities to the sugarcane workers and farmers. Clause 17 provides that the Central Government shall provide adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

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

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 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. 337 OF 2015

A Bill to control the growth of population in the country and for matters connected there with 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 Population Control Act, 2015.

(*2*) It extends to the whole of India.

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

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*) "Board" means the National Population Control Board constituted under section 3;

(*iii*) "Fund" means the Population Control Fund constituted under section 5; and

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

Constitution of National Population Control Board.

3. *(1)* The Central Government shall, within six months of the coming into force of this Act, constitute a Board to be known as the National Population Control Board.

(*2*) The Board shall consists of—

(*a*) a Chairperson, having such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(*b*) Secretaries of the Union Ministries of Human Resource Development, Health and Family Welfare, Social Justice and Empowerment, Panchayati Raj and Minority Affairs as members;

(*c*) Chief Secretaries of State Governments as members;

(*d*) Director of the Institute of Population Studies as member;

(*e*) Director of the National Institute of Health and Family Welfare as member;

(*f*) one representative each from the Medical Council of India and Family Planning Association of India as member;

(g) two members from non-Governmental Organisations working in the field of population control as members to be appointed by the Central Government in such manner as may be prescribed; and

(h) two persons having experience in the field of population studies to be appointed by the Central Government in such manner as may be prescribed.

Functions and Duties of Board.

4. The Board shall—

(*i*) formulate two child norm policy within six months of its constitution;

(*ii*) implement two child norm policy;

(*iii*) recommend to the Central Government the penalty to be imposed on persons who do not follow the two child norm policy;

(iv) recommend to the Central Government the incentives to be given to persons who follow two child norm policy;

(*v*) formulate a coherent, integrated and comprehensive long-term plan which shall ensure continued implementation of two child norm policy;

(vi) organise family planning workshops and launch family planning clinics;

(vii) undertake, promote and publish studies and investigations on Indian population in all its aspects;

(*viii*) assemble and disseminate technical and scientific information relating to medical, social, economic and cultural phenomena which affect or are affected by population;

(*ix*) call upon any department, bureau, office or agency or instrumentality for such assistance as it may require for the efficient performance of its functions;

(*x*) establish and adopt qualitative goals for the implementation of two child norm policy;

(*xi*) undertake study on the effects of alternative rates of population growth on family;

(*xii*) frame syllabus for inclusion of family planning in the school curriculum and higher education;

(*xiii*) provide safe and effective means to couples desiring to space or limit family size;

(*xiv*) suggest measures to reduce mortality and morbidity rates;

(*xv*) formulate policies and programs aimed at guiding and regulating labour force, internal migration and spatial distribution of population;

(*xvi*) co-ordinate with international agencies and private organizations concerned with population problems to overcome the problem of rising population; and

(*xvii*) undertake such other tasks as may be assigned to it by the Central Government.

National Population Fund.

5. *(1)* The Central Government shall constitute a Fund to be known as the Population Control Fund for carrying out the purpose of this Act.

(2) The following shall be credited to the Fund—

(i) contributions and grants from the Central Government; and

(ii) donations and grants from sources within and outside India.

(3) The Fund shall be utilised by the Board in such manner as may be prescribed:

Provided that not more than fifteen percent of the Fund of the Board shall be utilized for meeting expenses of the Board.

Meetings and Committees

6. (*1*) The Board shall meet at least once in a month at such place and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed.

(*2*) The Chairperson or, if he is unable to attend, such other member of the Board, as may be chosen by the members present at the meeting from amongst themselves, shall preside over the meeting.

Board to constitute Committees.

7. The Board shall constitute continuing or ad-hoc committees consisting of such number of members of the Board or such other experts as may be deemed necessary to conduct studies for the Board, or to assist it in the efficient discharge of its functions.

Other Staff of the Board.

8. *(1)* The Board shall appoint an Executive Director who shall be the Secretary to the Board.

(*2*) Subject to the direction and supervision of the Chairperson of the Board, the Executive Director shall be responsible for the operation of the national population program, preparing periodic progress of program and annual budget estimates, and for recommending policy to the Board, and perform such other duties as may be prescribed.

(*3*) The Board shall appoint such other staff as may be necessary to carry out the provisions of this Act and shall arrange for such services as the Chairperson may deem necessary for the performance of the Board's work.

Salary and allowances of Chairperson and members of the Board.

9. The salary and allowances payable to and other terms and conditions of service of Chairperson, members, Executive Director and other staff and officers of the Board shall be such as may be prescribed.

Annual report and its laying before Parliament.

10. (*1*) The Board shall prepare once every year in such form, as may be prescribed, an annual report giving summary of its activities including information relating to plans, programs and policies relating to population control during the previous year and such report shall contain statements of annual accounts of the Board.

(*2*) A copy of the report shall be forwarded to the Central Government and the Central Government shall cause such report to be laid, as soon as may be, after it is received, before each House of Parliament.

Overriding effect of the provisions of the Act.

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

Central Government to provide adequate fund.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such amount of funds to the State Governments, as may be necessary for carrying out the purposes of this Act.

Power to make rules.

13. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying the purpose 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 modifications in the rule of both the Houses agree that the rules 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 the rule.

STATEMENT OF OBJECTS AND REASONS

One of the most serious social and economic problems that are being faced by India today is its large population and rapid growth. Our Government has regarded a growing population as a catalyst for bringing about swift economic development. We have been following the growth differently, with one-fifth of the world's population but only five per cent, of the world's arable land. Continuing rapid population growth would bring about hardships, extreme poverty, and famine in the country. Soon we are going to be the number one country in the world in population. The need is to frame a policy to ensure that India which has been historically prone to severe floods and natural disasters and facing problems of high urban growth of population and migration, is able to feed its people. The rapid population growth that occurred after the independence could not be controlled by subsequent Governments with policies prevalent from time to time. We don't have legislation for population control. The existing policies has at times been praised as an effective tool for ensuring the moderate control but not able to control its large population. To increase the share of each Indian in the fruits of economic progress and meeting the grave social and economic challenge of a high rate of population growth, a national legislation which respects the secular beliefs of the Constitution and applies to all equally is required to be framed.

Hence this Bill.

NEW DELHI; RAJESH PANDEY

November 13, 2015.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Population Control Board. Clause 4 provides for providing incentives to the persons following two child norm policy. It also provides for publishing of studies of the Board. Clause 5 provides for constitution of the Population Control Fund. Clause 11 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of respective States. Moreover, 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 recurring expenditure of about rupees one thousand crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is 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. 286 OF 2015

A Bill to provide for special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan.

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 for Ancient Monuments and Archaeological Sites and Remains in the State of Rajasthan 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 "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-

sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years and includes—

(*i*) remains of an ancient monument,

(*ii*) site of an ancient monument,

(*iii*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*iv*) the means of access to, and convenient inspection of, an ancient monument.

Special financial assistance to the State of Rajasthan.

3. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may be due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan, as may be undertaken by the State with the approval of the Central Government.

Act not in derogation of any other law.

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

STATEMENT OF OBJECTS AND REASONS

The State of Rajasthan is one of the favourite destinations of tourists, both domestic and foreign. Rajasthan is famous for its rich culture and tradition, fairs and festivals worldwide. The different tourist destinations attract the tourists because of various reasons including its ancient and historical monuments and archaeological sites and remains.

At present, the Archaeological Survey of India is looking after the maintenance and conservation of 161 monuments/sites. These monuments and archaeological remains of diverse nature are located in the region since prehistoric times and are scattered from Dholpur in the east to Jaisalmer in the West and Ganganagar in the north and Banswara in the South of Rajasthan.

Taking care of the monuments is an important duty that devolves on the respective State Government as well as the Central Government. It needs funds to engage people who can look after monuments, ensure that the miscreants do not harm them, as also to get the damaged portion repaired from expert designers and engineers. The Central Government must provide adequate funds for each monument.

The proper upkeep and maintenance of ancient and historical monuments and archaeological sites and remains in Rajasthan shall boost heritage tourism which will in turn increase employment, revenue generation and local business in Rajasthan.

It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Rajasthan.

Hence this Bill.

NEW DELHI;
November 16, 2015

C.P. JOSHI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remain situated in the State of Rajasthan, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government with the approval of Government of India are identified, it is not possible at present 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.

Establishment of a Permanent Bench of Supreme Court at Thiruvananthapuram.

BILL NO. 7 OF 2016

A Bill to provide for the establishment of a permanent Bench of the Supreme Court of India at Thiruvananthapuram.

BE it enacted by Parliament in the Sixty-Seventh 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 Thiruvananthapuram) Act, 2016.

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

Establishment of a Permanent Bench of Supreme Court at Thiruvananthapuram.

2. There shall be established a permanent Bench of the Supreme Court of India at Thiruvananthapuram and such Judges of the Supreme Court, being not less than five in number, as the Chief Justice of India may from time to time nominate, shall sit at Thiruvananthapuram in order to exercise the jurisdiction and power for the time being vested in the Supreme Court in respect of cases arising in the southern, south-eastern and south-western States of the country.

STATEMENT OF OBJECTS AND REASONS

The appellants are already burdened and are further shunned to face the ordeal of having the litigations to travel thousands of kilometeres to the seat of the Supreme Court in New Delhi for their hearing, and follow up of their cases. From the farthest places of South India, it is burdensome, financially, physically as well as mentally.

The number of pending court cases in the country has crossed more than three crore now. Figures on the chronic backlog of court cases are an indictment of the country's beleaguered legal system. The plight of persons awaiting trial needs to be understood and addressed. It is not only the wastage of time, but also an increased financial burden that makes the process inconvenient, cumbersome and expensive thereby ascertaining the fact that "Justice delayed is justice denied".

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 and hence it is one of the "mores of the day".

Hence, the Bill seeks to establish a permanent Bench of the Supreme Court in Thiruvananthapuram district in the State of Kerala. Geographically, Kerala is a strategic location for a permanent Bench as it is easily accessible for litigants of southern, south-eastern and south-western States. This will provide for a robust mechanism not only to manage pendencey of court cases but simultaneously makes the justice opportune, public-friendly and efficient without any regional disparity.

Hence this Bill.

NEW DELHI; A. SAMPATH
November 17, 2015.

THE SUPREME COURT OF INDIA (ESTABLISHMENT OF A PERMANENT BENCH AT THIRUVANANTHAPURAM) BILL, 2016
BY
DR. A. SAMPATH, M.P.

[Copy of letter No. K-15019/17/2015-US.I dated 30 December, 2015 from Shri 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 of India (Establishment of a Permanent Bench at Thiruvananthapuram) Bill, 2016 by Dr. A. Sampath, 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 permanent Bench of the Supreme Court of India at Thiruvananthapuram. 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 twenty crore is likely to be involved per annum for the purpose of payment of allowance to the Judges of the Bench and payment of salaries to the Court servants.

A non-recurring expenditure of about rupees one hundred crore may be involved for the construction of building of the Court, etc. and appointment of staff members.

BILL NO. 14 OF 2016

A Bill to amend and codify the law relating to marriage among Sikhs.

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

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Sikh Marriage Act, 2016.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to Sikhs domiciled in the territories to which this Act extends who are outside the said territories.

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

Application of the Act.

2. This Act applies to any person who is a Sikh by religion.

Definitions.

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

(*a*) the expression "Sikh" means a person who believes in Akalpurakh (One Eternal Being), the ten Gurus from Guru Nanak to Guru Gobind Singh, accepts Guru Granth Sahib as the Eternal Guru and does not subscribe to any other religion.

Exlanation.—The following persons are Sikhs:—

(*i*) any child legitimate or illegitimate, both of whose parents are Sikhs by religion;

(*ii*) any child legitimate or illegitimate who is brought up as a Sikh and one of whose parents is a Sikh.

(*b*) "Anand Karaj Ceremony" means a marriage ceremony solemnized between two Sikhs in the presence of Guru Granth Sahib, which shall be deemed to have been completed when the four "*lawan*" revealed by the fourth Guru in Rag Suhi are recited and the "*Ardas*" is performed.

(c) the expression "custom" and "usage" signify any rule which having been continuously and uniformly observed for a long time, has obtained the force of law among Sikhs in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to basic tenets of the Sikh faith:

Provided further that in the case of a rule applicable only to a family, it has not been discontinued by the family;

Provided also that the burden to prove the custom or usage shall be upon the person who alleges the custom or usage:

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

(*e*) "district court" means, a court of District Judge and includes Additional District Judge, and any other civil court which may be specified by the Union or a State Government, by notification in the Official Gazette, as having jurisdiction in respect of matters dealt with in this Act;

(*f*) "full blood" and "half blood"—two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives;

(*g*) "uterine blood"—two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.

Explanation.—In clauses (*f*) and (*g*) "ancestor" includes the father and "ancestress" the mother;

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

(*i*) "parties" means "bridegroom and the bride" or the "husband and the wife", as the case may be;

(*j*) "degrees of prohibited relationship"—two persons are said to be within the "degrees of prohibited relationship"—

(*i*) if one is a lineal ascendant of the other; or

(*ii*) if one was the wife or husband of a lineal ascendent or descendent of the other; or

(*iii*) if one was the wife of the father's or mother's brother or of the grandfather's grandmother's brother of the other; or

(*iv*) if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters.

Explanation.—for the purposes of clause (j) relationship includes:—

(*i*) relationship by half or uterine blood as well as by full blood;

(*ii*) illegitimate blood relationship as well as legitimate;

(*iii*) relationship by adoption as well as by blood;

and all terms of relationship in those clause (j) shall be construed accordingly.

Overriding effect of this Act.

4. Save as otherwise expressly provided in this Act,—

(*a*) any text, rule or interpretation of law with respect to Sikhs or any custom or usage as part of that law in force immediately before the commencement of this Act, shall cease to have effect with respect to any matter for which provision is made in this Act;

(*b*) any other law in force immediately before the commencement of this Act shall cease to have effect in so far as it provides for or it is inconsistent with any of the provisions contained in this Act.

SIKH MARRIAGES

Conditions for a Sikh marriage.

5. A Sikh marriage shall be solemnized by Anand Karaj Ceremony between a Sikh male and Sikh female who are Sikhs, if the following conditions are fulfilled, namely:—

(*i*) neither party has a spouse living at the time of the marriage;

(*ii*) at the time of the marriage neither party is of unsound mind;

(*iii*) the bridegroom has completed the age of twenty-one years and the bride the age of eighteen years at the time of the marriage;

(*iv*) the parties are not within the degrees of prohibited relationship, unless the custom or usage governing each of them permits of a marriage between the two.

Registration of Sikh marriages.

6. (*1*) The registration of a Sikh marriage shall be compulsory.

(2) For the purpose of registration under sub-section (1), the appropriate Government shall appoint a Registrar of Sikh Marriages in each revenue district and a sub-registrar at the tehsil level and also such other officer for the purpose as may be required.

(*3*) For the purpose of facilitating the proof of Sikh marriage, the parties to the marriage shall have the particulars relating to their marriage entered in such manner and subject to such conditions, as may be prescribed, in a Sikh Marriage Register kept for the purpose within six months of the solemnisation of the marriage and any person contravening any rule made in this behalf shall be punished with fine which may extend to five hundred rupees.

(*4*) The Sikh Marriage Register shall at all reasonable times be open for inspection and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given by the Registrar, the Sub-registrar or any other officer prescribed for this purpose, free of cost.

(*5*) Notwithstanding anything contained in this section, the validity of any Sikh marriage, shall not be affected by omission to register the marriage.

RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

Restitution of conjugal rights.

7. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may pass decree of restitution of conjugal rights accordingly.

Explanation.—Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.

Judicial separation.

8. (*1*) Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on any of the grounds specified in sub-section (*1*) of section 11, and in the case of a wife also on any of the grounds specified in sub-section (*2*) thereof, as grounds on which a petition for divorce might have been presented.

(*2*) Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent, but the court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

NULLITY OF MARRIAGE AND DIVORCE

Void marriages.

9. Any Sikh marriage solemnized after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto, against the other party, be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i) and (iv), of section 5:

Provided that in case of a null and void marriage due to contravention of the condition specified in clause (i) of section 5, the legally wedded husband or wife, either of whom is not a party to the contravention of the said condition, shall also be entitled to present a petition under this section.

Voidable marriages.

10. (*1*) Any Sikh marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:—

(*a*) that the marriage has not been consummated owing to the impotence of the respondent; or

(*b*) that the marriage is in contravention of the condition specified in clause (ii) of section 5; or

(*c*) that the consent of the petitioner for marriage was obtained by force or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent; or

(*d*) that the respondent was at the time of the marriage pregnant by some person other then the petitioner;

(*2*) Notwithstanding anything contained in sub-section (*1*), no petition for annulling a marriage on the ground specified in clause (c) of sub-section (*1*) shall be entertained if—

(*i*) the petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered; or

(*ii*) the petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered.

Divorce.

11. (*1*) Any Sikh marriage solemnized, whether before or after the commencement of the Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party:—

(*i*) has, after the solemnization of the marriage contracted another marriage or had voluntary sexual intercourse with any person other than his or her spouse; or

(*ii*) has, after the solemnization of the marriage, treated the petitioner with cruelty; or

(*iii*) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition;

Explanation.—In this clause, the expression "desertion" means the desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes wilful neglect of the petitioner by the other party to the marriage, and its grammatical variations and cognate expression shall be construed accordingly; or

(*iv*) has ceased to be a Sikh by conversion to another religion; or

(*v*) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

Explanation.—In this clause,—

(*a*) the expression "mental disorder" means mental illness arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(*b*) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party, and whether or not it require or is susceptible to medical treatment; or

(*vi*) has been suffering from a virulent and incurable form of leprosy; or

(*vii*) has been suffering from Acquired Immune Deficiency Syndrome (AIDS) or any venereal disease in a communicable form; or

(*viii*) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive; or

(*ix*) has been finally convicted and sentenced to imprisonment for a period of seven years or more.

(*2*) A Sikh marriage, whether solemnized before or after the commencement of this Act, may also be dissolved on presentation of a petition in this regard by the party in whose favour a decree of restitution of conjugal rights has been passed on the ground:—

(*i*) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(*ii*) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upward after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.

(*3*) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground:—

(*i*) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality; or

(*ii*) that in a suit or any proceedings for maintenance, a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or more.

Divorce by mutual consent.

12. (*1*) Subject to the provisions of this Act, a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of this Act, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(*2*) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (*1*) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

No petition for divorce to be presented within one year of marriage.

13. (*1*) Notwithstanding anything contained in this Act, it shall not be competent for any court to entertain any petition under section 11 or 12 of this Act for dissolution of marriage by a decree of divorce, unless at the date of the presentation of the petition one year has elapsed since the date of the marriage:

Provided that the court may, upon application made to it, allow a petition to be presented before elapse of one year has since the date of the marriage on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent, but, if it appears to the court at the hearing of the petition that petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the expiry of one year from the date of the marriage or may dismiss the petition without prejudice to any petition which may be brought after the expiration of the said one year upon the same or substantially the same facts as those alleged in support of the petition so dismissed.

(*2*) In disposing of any application under this section for leave to present a petition for divorce before the expiration of one year from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the said one year.

Divorced persons when may marry again.

14. (*1*) When a marriage has been dissolved by a decree of divorce and the time for filing appeal has expired without an appeal having been presented, it shall be lawful for either party to the marriage to marry again after six months has elapsed from the date of decree of dissolution of marriage.

(*2*) Where an appeal has been presented against dissolution of marriage but has been dismissed, it shall be lawful for either party to the marriage, to marry again after six months has elapsed from the date of dismissal of the appeal.

Legitimacy of children of void and voidable marriages

15. (*1*) Notwithstanding that a marriage is null and void under section 9, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such a child is born before or after the commencement of this Act, and whether or not a decree of nullity is granted in respect of the marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

(*2*) Where a decree of nullity is granted in respect of a viodable marriage under section 10, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if, at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

(*3*) Nothing contained in sub-section (*1*) or sub-section (*2*) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 10, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

Punishment for contravention of certain other conditions for a Sikh marriage.

16. (*1*) Whoever, having a husband or wife living, marries in any case in which such marriage, is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment which shall not be less than one year and may extend to three years and with fine which shall not be less than twenty thousand rupees and which may extend to one lakh rupees.

(*2*) Where the court imposes a fine under sub-section (*1*), it shall also order the amount to be paid to aggrieved person out of the fine as payment of compensation, maintenance or costs.

(*3*) The proceedings under this section shall be undertaken by the court wherein the petition under section 9, 10 or 11 of this Act has been presented and it will be lawful for the court to convict a person under this section while deciding the petition under section 9, 10, or 11 of this Act and no separate complaint or criminal trial shall be required to be made or initiated before a court of criminal jurisdiction.

MAINTENANCE AND CUSTODY

Maintenance *pendent-lite* and expenses of proceedings.

17. Where in any proceeding under this Act, it appears to the Court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the applicant the expenses of the proceeding and such monthly expenses as, having regard to the applicant's own income and the income of the respondent, it may seem to the Court to be reasonable, during the proceeding:

Provided that the application for the payment to the expenses of the proceeding and such monthly expenses during the proceedings, shall, as far as possible be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.

Permanent alimony and maintenance.

18. (*1*) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purposes by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's

own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(*2*) If the Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (*1*), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(*3*) If the Court is satisfied that the party in whose favour an order has been made under this section has re-married, it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.

Explanation.— For the purposes of this section, either party to the marriage, which is void due to contravention of condition specified in clause (i) of section 5, shall not be entitled to maintenance, permanent alimony or to claim any benefit under this section.

Custody and maintenance of children.

19. In any proceeding under this Act, the Court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with the wishes of children, wherever possible, and may, after the decree, upon application for said purpose, pass from time to time, all such orders and make provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceedings for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made:

Provided that the welfare of the minor children shall be of paramount consideration for the court while proceeding under this section:

Provided further that the application with respect to the maintenance and education of minor children, pending the proceeding for obtaining such decree, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.

JURISDICTION AND PROCEDURE

Court to which petition shall be presented.

20. Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction—

(*i*) the marriage was solemnized, or

(*ii*) the respondent, at the time of the presentation of the petition, resides, or

(*iii*) the parties to the marriage last resided together, or

(*iv*) in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or

(*v*) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is at that time residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he was alive.

Contents of petitions and service of summons.

21. (*1*) Every petition presented under this Act shall state as distinctly as the nature of the case permits, the facts on which the claim to relief is founded and shall also state that there is no collusion between the petitioner and the other party to the marriage.

(*2*) Every petition under this Act shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints and shall also be supported by a duly sworn affidavit, and it may, at the hearing, be referred to as evidence.

(*3*) The court, under this Act,

(*a*) while passing an order for proceeding *ex-parte* against the respondent, if

duly served or if has refused service or is evading service, shall ensure that the provisions of the Code of Civil Procedure with regard to service of summons have been strictly followed and complied with; and

(*b*) while the summons were returned with a report that the respondent has refused to accept or is evading service shall, before passing order for proceeding *ex-parte*, order the service to respondent be affected through proclamation and publication in a leading newspaper of the region.

Application of Code of Civil Procedure, 1908.

22. Subject to the other provisions contained in this Act and to such rules as framed under this Act, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908. 5 of 1908.

Power to transfer petitions in certain cases.

23. (*1*) Where—

(*a*) a petition under this Act has been presented to a district court having jurisdiction by a party to marriage praying for a decree of divorce under section 11; and

(*b*) another petition under this Act has been presented thereafter by the other party to the marriage praying for a decree of divorce under section 11 on any ground, whether in the same district court or in a separate district court, in the same State or in a separate State,

the petitions shall be dealt with as specified in sub-section (*2*).

(*2*) In a case where sub-section (*1*) applies,—

(*a*) if the petitions are presented to the same District court, both the petitions shall be tried and heard together by that district court;

(*b*) if the petitions are presented to in separate District courts, the petition presented later shall be transferred to the district court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

(*3*) In a case where clause (*b*) of sub-section (*2*) applies, the court or the Government, as the case may be, competent under the Code of Civil Procedure, to transfer any suit or proceeding from the district court in which the later petition has been presented to the district court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

Special provision relating to trial and disposal of petitions under the Act.

24. Every petition or appeal under this Act shall be tried as expeditiously as possible, and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition or appeal on the respondent, as the case may be.

Documentary evidence.

25. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.

Proceedings to be *in camera* and may not be printed or published.

26. (*1*) Every proceeding under this Act shall be conducted in camera and it shall not be lawful for any person to print or publish any matter in relation to any such proceedings except a judgement of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(*2*) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (*1*), he shall be punishable with fine which may extend to twenty five thousand rupees.

Decree in proceedings.

27. (*1*) In any proceeding under this Act, whether defended or not, if the court is satisfied that—

(*a*) any of the grounds for granting relief exists and the petitioner is not in anyway taking advantage of his or her own wrong or disability for the purpose of such relief, and

(*b*) where the ground of the petition is the ground specified in clause (*1*) of sub-section (*1*) of section 11, the petitioner has not in any manner been accessory to or connived at or condoned the act or acts complained of, or where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty, and

(*c*) when a divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence, and

(*d*) the petitions is not presented or prosecuted in collusion with the respondent, and

(*e*) there has not been any unnecessary or improper delay in instituting the proceeding, and

(*f*) there is no other legal ground why relief should not be granted,

then, and in such a case, but not otherwise, the court shall decree such relief accordingly.

(*2*) Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties:

Provided that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the ground specified in clause (iv), clause (v), clause (vi), clause (vii), clause (viii) or clause (ix) of sub-section (*1*) of Section 11.

(*3*) For the purpose of aiding the Court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do, adjourn the proceedings for a reasonable period and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report to the court as to whether reconciliation can be and has been effected and the court shall in disposing of the proceeding have due regard for the report.

(*4*) In every case, the court passing the judgement or decree shall give a copy thereof free of cost to each of the parties:

Provided that wherein the respondent was proceeded *ex-parte*, the copy of the judgement or the decree shall be sent to him by a registered post.

Relief for respondent in divorce and other proceedings.

28. In any proceedings of restituion of conjugal rights or divorce, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and if the petitioner's adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.

Appeals from judgement, decrees and orders.

29. (*1*) All judgements, decrees and orders made by district court in any proceeding under this Act shall, subject to the provisions of sub-section (*2*) and (*3*), be appealable and every such appeal shall lie to the High Court.

(*2*) There shall be no appeal under this section on subject of costs only.

(*3*) No appeal shall lie to the High Court from a judgement, decree or order made by district court with the consent of the parties.

(*4*) Every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, decree or order:

Provided that the High Court may entertain an appeal after the expiry of the period of ninety days, if it is satisfied that there was sufficient or reasonable cause for not filing the appeal within the prescribed time limit.

Enforcement of decrees and orders.

30. All decrees and orders made by the court in any proceeding under this Act, shall be enforced in the like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced.

MISCELLANEOUS

Savings.

31. (*1*) A marriage solemnized between Sikhs before the commencement of this Act, which is otherwise valid, shall not be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to the same "pravara" or belonged to different religion.

(*2*) Nothing contained in this Act shall be deemed to affect any right exercised before the commencement of this Act to obtain the dissolution of a Sikh marriage recognised by custom or usage.

(*3*) Nothing contained in this Act shall affect the procedure of any proceeding pending at the commencement of this Act under any law for the time being in force for declaring any marriage to be null and void or for annulling or dissolving any marriage, and any such proceeding may be continued in accordance with the procedure applicable before commencement of this Act.

Power to make rules.

32. (*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 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

Sikh religion is the sixth largest religion in the world. It has its own traditions and rituals. In a secular system, every religion enjoys freedom to practice its beliefs. Sikh community, ever since independence, has the feeling that it is not being treated at par with other religious groups like Hindus, Muslims or Christians.

Under *Explanation* II to article 25(6), any reference to 'Hindus' has been construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion. This jeopardizes the independence of Sikh religion being a separate religion in India, is wrong and against the spirit of genuine secularism. We are proud of our unity in diversity, but are subjugating diversity to unity, with arbitrary imposition of such clauses against the wishes of Sikhs which is against the spirit of our Constitution also.

The need is to frame a law relating to marriage among the Sikhs at par with those of other religious groups like Hindus, etc.

Hence this Bill.

NEW DELHI;
December 9, 2015.

DHARAM VIRA GANDHI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for appointment of Registrar and Sub-Registrar in each revenue district or tehsil level, as the case may be, for registration of Sikh marriages. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government shall bear the expenditure in respect of Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though at this stage, it is difficult to state the exact expenditure, it is estimated that a sum of rupees one hundred crore would be involved as recurring expenditure per annum.

No non-recurring expenditure will be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 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. 13 OF 2016

A Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river water amongst the States and for matters connected therewith or incidental thereto.

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Nationalisation of Inter-State Rivers Act, 2016.

(*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*) "inter-State river" means a river which has its source in one State and passes through two or more States including the State in which the river has its origin before it submerges into the sea and also includes a lake, tank or rivulet, which has its source from an inter-State river; and

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

No State to have exclusive right over an inter-State river.

3. Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.

Central Government to have right and control over inter-State rivers.

4. On and from the date of commencement of this Act, the Central Government shall have exclusive right and control over all inter-State rivers.

State Governments to forward requirements of water/ electricity.

5. (*1*) Every State Government and Union territory Administration shall forward its requirement of water for all purposes, including requirement for irrigation and drinking purposes, to the Central Government and also its requirement for electricity.

(*2*) While forwarding its requirement, every State Government and Union territory Administration shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from each of such rivers.

(*3*) Every State Government shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.

Central Government to distribute inter-State river water.

6. (*1*) It shall be the duty of the Central Government to distribute river water of every inter-State river to the States within which such river pass through.

(*2*) While distributing river water, the Central Government shall take into consideration the following factors:—

(a) population and area of each interested State;

(b) land available for farming in each State;

(c) requirement of water for drinking, agricultural and other purposes in each State;

(d) length of inter-State river passing through each State; and

(e) requirement and availability of electricity in each State.

Steps to check flood and soil erosion.

7. The Central Government shall take such steps as it may consider necessary for checking floods and soil erosion caused by inter-State rivers.

Central Government to construct hydro-electrical plants on inter-State rivers.

8. (*1*) On and from the date of commencement of this Act, no State Government shall construct any hydro-electrical plant or project on any inter-State river.

(*2*) The Central Government shall have exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the State through which the inter-State rivers pass, as may be prescribed.

(*3*) Every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro-electrical plant or project constructed on an inter-State river.

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

STATEMENT OF OBJECTS AND REASONS

India is a union of States. There are many rivers, big or small flowing through many States before they submerge into the nearest sea. Today half of our population do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably reduced.

It has been observed that many States through which a river flows, fight for considerable share of river waters and try to deprive the just and due demand of other States. Consequently, many cases are pending in tribunals for settlement. It is a common knowledge that tribunals take a long time before delivering judgment. In the meantime, the affected States fight each other for their share of water from the inter-State rivers and as a result, there is always strained relation among the States.

Therefore, it is proposed that only the Central Government shall have exclusive right and control over all inter-State rivers and it shall distribute river water according to pre-determined formula for allocation of waters. It is also proposed that the Central Government shall have exclusive right over electricity projects constructed on inter-State rivers and also have the responsibility to check erosion and floods caused by these rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also enable proper utilisation of available resources.

NEW DELHI;
December 4, 2015.

KIRTI AZAD

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall take such steps as it may consider necessary for checking floods and soil erosion caused by inter-State rivers. Clause 8 provides that the Central Government shall construct hydro-electrical plants or projects on inter-State rivers. Though there is a provision that every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it received, yet some expenditure will be incurred from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees seven hundred crore will be involved.

A non-recurring expenditure of about rupees seven hundred 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 powers is of a normal character.

BILL NO. 11 OF 2016

A Bill to establish a mechanism for prevention and punishment for the crime of genocide and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention and Punishment of the Crime of Genocide Act, 2016.

(*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*) "abetment" shall have the same meaning as assigned to it in section 107 of the Indian Penal Code, 1860; 45 of 1860.

(*b*) "abettor" shall have the same meaning as assigned to it in section 108 of the Indian Penal Code, 1860; 45 of 1860.

(*c*) "competent authority", in relation to a State, means the Secretary of the State Legal Services Authority of that State, who is authorized to issue directions and pass orders for witness protection;

(*d*) "criminal force" shall have the same meaning as assigned to it in section 350 of the Indian Penal Code, 1860; 45 of 1860.

(*e*) "effective command and control" or "effective authority and control" means having the material ability to prevent and punish the commission of offences by subordinates;

(*f*) "genocide" means any of the following acts committed, whether in the time of war or in the time of peace, with an intent to destroy, in whole or in part, a national, ethnical, racial, religious, linguistic, social or any other similar stable and permanent group, as such:

(*i*) killing members of the group;

(*ii*) causing serious bodily or mental harm to the members of the group;

(*iii*) causing permanent impairment of mental faculties of members of the group through drugs, torture or similar techniques;

(*iv*) deliberately inflicting on the group, such conditions of the life which are calculated to bring about physical destruction of the group either wholly or partly;

(*v*) deliberately contaminating, destroying or restricting access to such flora, fauna or any other natural or man-made resources on which a group is dependent for survival;

(*vi*) imposing measures intending to prevent births within a group; and

(*vii*) forcibly transferring children of group to another group;

(*g*) "in-camera proceedings" mean proceedings in which the public and media are not allowed to participate;

(*h*) "live link" means a live television link or other such arrangement whereby a witness, while absent from the courtroom, can depose in the matter;

(*i*) "superior" means:—

(*a*) a military commander or a person effectively acting as a military commander; or

(*b*) any other superior, in as much as the crimes arose from activities within the effective authority and control of that superior;

(*j*) "threat analysis report" means a detailed report prepared and submitted by the officer investigating the case and shall include—

(*a*) seriousness and credibility of the threat perception to a witness or his family members;

(*b*) specific details about the nature of threats faced by the witness or his family to their life, reputation or property;

(*c*) analysis of the intent, motive and resources of the person or persons making the threat to implement the threats; and

(*d*) categorization of the threat perception and concrete steps required to be taken for witness protection;

(*k*) "unlawful assembly" means an assembly of three or more persons having the common object—

First.— To overawe by criminal force or show of criminal force, the Central or any State Government or the Parliament or the Legislature of any State or any public servant in the exercise of the lawful power of such public servant; or

Second.— To resist the execution of any law or of any legal process; or

Third.— To commit any mischief or criminal trespass or other offence under this Act; or

Fourth.— By means of criminal force or show of criminal force, to compel any person to do what he is not legally bound to do or to omit to do what he is legally entitled to do.

Explanation.— An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

(*l*) "witness" means any person who possesses information or document about any crime regarded by the competent authority as being material to any criminal proceedings and who has made a statement or who has given or agreed to give evidence in relation to such proceedings;

(*m*) "Witness Protection Fund" means the Witness Protection Fund constituted under section 53; and

(*n*) "witness protection order" means an order passed by the competent authority detailing the steps to be taken for ensuring the safety of life, reputation or property of witness from threats to him or his family members and includes an interim order, if any, passed during the pendency of Witness Protection Application.

CHAPTER II

OFFENCES

Punishment for offence of genocide.

3. Whoever commits the offence of Genocide shall be punished,—

(*a*) when such offence leads to death, with death or life imprisonment; and

(*b*) in any other case, with imprisonment for life or imprisonment of either description for a term which may extend upto ten years and shall also be liable to fine.

Punishment for incitement of offence of genocide.

4. Whoever, publicly or otherwise, incites another person to commit any of the ingredients constituting the offence of Genocide shall be punished,—

(*a*) when such incitement results in commission of the offence of Genocide, with life imprisonment or imprisonment of either description for a term which may extend upto twenty years and shall also be liable to fine; and

(*b*) in any other case, with imprisonment of either description for a term which may extend upto ten years and shall also be liable to fine.

Punishment for being a part of unlawful assembly.

5. Whoever is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend upto one year or with fine or both.

Explanation.—For the purpose of this section, 'member of unlawful assembly' means a person, who, being aware of the facts which render any assembly an unlawful assembly, intentionally joins that assembly, or contines in that assembly.

Punishment for organizing a group and instigating the commission of the offence of genocide.

6. (*1*) Whoever organizes, by hiring or engaging or employing or promoting or conniving at hiring, a group for the purpose of committing the offence of Genocide, shall be punished with imprisonment of either description for a term which may extend upto seven years and shall also be liable to fine.

(*2*) Whoever becomes a part of a group referred to in sub-section (*1*) shall be punished with imprisonment of either description for a term which may extend upto five years and shall also be liable to fine.

Punishment to owner or occupier of land or property on which a group or unlawful assembly is organized for committing genocide.

7. Whoever, being owner or occupier of any land or property or his agent or manager for such land or property, or having any interest in such land or property, knowing that such land or property was used or is being used for assembly of any group or unlawful assembly in furtherance of committing or inciting the commission of any offence under this Act or has reasons to believe that such offence has been committed or is likely to be committed, do not give notice to the nearest police station at the first opportunity and do not, in case he has reasons to believe that it is about to be committed, use all lawful means in his power to prevent it, and in event of its taking place, do not use all lawful means in his power to disperse such an assembly or group, shall be punished with imprisonment of either description for a term which may extend upto one year or with fine or both.

Harboring persons hired for an unlawful assembly or a group organized to commit any offence under this Act.

8. Whoever, in occupation or charge or control of any house or land or premises harbors or receives or allows the assembly of persons, knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly or a group organized to commit an offence under this Act, shall be punished with imprisonment of either description for a term which may extend upto one year or with fine or both.

Punishment for promoting enmity between different groups on the grounds of religion, race, place of birth, nationality language, etc. and doing acts to induce hatred and disharmony.

9. Whoever,—

(*a*) by words, either spoken or written, or by signs or visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste, community or any other ground whatsoever, disharmony or feelings of enmity or hatred or ill-will between different religious, racial, ethnic, linguistic, regional, national, social or any other stable and permanent group or castes or community, or

(*b*) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, ethnic, linguistic, regional, national, social or any other stable and permanent group or castes or community and which results in or is likely to result in commission of any offence under this Act, or

(*c*) organizes any exercise, movement, drill or any other similar activity intending that the participants in such activity, shall use, or be trained to use, criminal force or violence, or knowing it to be likely that the participants in such activity shall use, or be trained to use, criminal force or violence, or participates in such activity, intending to use, or be trained to use, criminal force or violence against any religious, racial, ethnic, linguistic, regional, national, social or any other stable and permanent group or castes or community, and such activity for any reason whatsoever causes or is likely to cause the commission of any offence under this Act, shall be punished with imprisonment of either description which may extend upto five years or with fine or both.

Punishment for abetment of any offence under the Act.

10. Whoever abets the commission of any offence under this Act shall be punished with the same punishment as provided for that offence.

Punishment of abetment when one act abetted and different act done.

11. Where abetment of commission of an offence under this Act results in commission of a different offence under this Act, the abettor shall be punished with the same punishment as provided for the offence committed.

Punishment for conspiracy to commit an offence under this Act.

12. Whoever is a party to a criminal conspiracy to commit an offence under this Act shall be deemed to be guilty of abetting the commission of that offence and shall be punished accordingly.

Responsibility of Superiors.

13. In addition to other grounds of criminal responsibility for commission of offences under this Act,—

(*a*) a military commander or person effectively acting as a military commander shall be criminally responsible for offences committed by forces under his effective command and control or effective authority and control, as the case may be, if—

(*i*) that military commander or person either knew or owing to the circumstances at the time, should have known that the forces were committing or about to commit such offence; and

(*ii*) that military commander or person fails to take all necessary and reasonable measures within his power to prevent or repress the commission of such offence or fails to submit the matter to the competent authority for investigation and prosecution; and

(*b*) a superior officer shall be criminally responsible for offences committed by subordinates under his effective authority and control, if—

(*i*) the superior either knows or consciously disregards information, which clearly indicates that the subordinates are committing or about to commit such offence;

(*ii*) the activities concerning offences are within the effective responsibility and control of the superior; and

(*iii*) the superior fails to take all necessary and reasonable measures within his power to prevent or repress the commission of such offence or fails to submit the matter to the competent authority for investigation and prosecution.

Every member of unlawful assembly guilty of offence committed in prosecution of common object.

14. Where an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly or where any such member knows that the offence is likely to be committed in prosecution of that object, every such member shall be deemed to be guilty of commission of that offence.

Attempt to commit offences.

15. Whoever attempts to commit an offence punishable under this Act with imprisonment, or to cause such an offence to be committed, shall be punished with imprisonment for a term which may extend upto one-half of the longest term of imprisonment provided for that offence or with such fine as is provided for that offence or with both.

CHAPTER III

PREVENTION MECHANISM

Centre for Research to prevent genocide.

16. *(1)* The Central Government shall, by notification, with effect from such date as may be specified therein, establish a Centre for Research to Prevent Genocide, hereinafter referred to as the Centre.

(2) The Centre shall have its principle seat at New Delhi.

(3) The Central Government may, by notification, establish regional offices of the Centre at such places as it may deem necessary.

Composition of the Centre.

17. (*1*) The Centre shall consist of experts in the field of international laws, Genocide, conflict management and allied fields.

(*2*) The Centre shall consist of such number of members as the Central Government may, by notification, decide.

Officers and staff of the Centre.

18. *(1)* The Central Government shall appoint such number of officers and staff to the Centre for effective implementation of the provisions of this Act.

(2) The salary and allowance payable to and other terms and conditions of service of officers and staff of the Centre shall be such as may be prescribed.

Mandate of the Centre.

19. The Centre shall undertake research with the following objectives:—

(*a*) to understand the social, economic and other factors preceding the outbreak of Genocide and develop a statistical model for the same;

(*b*) to develop an early warning system that can predict the outbreak of Genocide;

(*c*) to conduct periodic assessment studies and identify high risk areas within the country which are susceptible to incidents of genocide; and

(*d*) to develop and suggest conflict transformation methodology for effective control of any imminent outbreak of genocide.

Centre to submit period assessment reports.

20. The Centre shall conduct periodic assessment of the situation at identified risk areas and submit reports thereof to the Central Government in such form and manner as may be prescribed.

CHAPTER IV

ESTABLISHMENT OF GENOCIDE TRIBUNAL

Establishment of Genocide Tribunal.

21. The Central Government shall, by notification, establish with effect from such date as may be specified therein, a Tribunal to be known as the Genocide Tribunal in each State and Union territory, to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act.

Composition of the Genocide Tribunal.

22. The Tribunal shall consist of—

(*a*) a full time Chairperson; and

(*b*) not less than two but subject to maximum of four full time Judicial Members as the Central Government may, from time to time, notify.

Selection Committee for appointment of Chairperson and Judicial Members of the Tribunal.

23. (*1*) The Central Government shall, in consultation with the State Government concerned, constitute a Selection Committee for the appointment of the Chairperson and Judicial Members of the Genocide Tribunal.

(*2*) The Selection Committee shall consist of,—

(*a*) the Chief Justice of the concerned High Court as the Chairperson; and

(*b*) three senior-most Judges of the concerned High Court.

Qualification for appointment of Chairperson and Judicial Members.

24. (*1*) A person shall not be qualified for appointment as the Chairperson of the Tribunal, unless he is, or has been the Chief Justice of a High Court.

(*2*) A person shall not be qualified for appointment as Judicial Member of the Tribunal unless he is, or has been a District or a Session Judge.

Term of office and other conditions of service of Chairperson and Judicial Member.

25. The Chairperson and the Judicial Members of the Tribunal shall hold office for a term of five years from the date on which they enter upon their office and shall be eligible for re-appointment.

Resignation.

26. The Chairperson and Judicial Members may, by notice in writing under their hand addressed to the Central Government, resign their office.

Salaries, allowances and other terms and conditions of services.

27. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chairperson and the Judicial Members shall be such as may be prescribed.

Removal and suspension of Chairperson and Judicial Member.

28. (*1*) The Central Government may, in consultation with the Chief Justice of India, remove from office the Chairperson or Judicial Member of the Tribunal, who,—

(*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; or

(*d*) has acquired such financial or other interest 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.

(*2*) The Chairperson or Judicial Member shall not be removed from his office except by an order made by the Central Government after an inquiry made by a Judge of the Supreme Court in which such Chairperson or Judicial Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Judicial Member to act as Chairperson of Tribunal in certain circumstances.

29. In the event of occurrence of the vacancy in the office of the Chairperson of Tribunal, by reason of his death, resignation or otherwise, such Judicial Member of the Tribunal as the Central Government may, by notification, authorise in this behalf, shall act as the Chairperson until the date on which a new Chairperson is appointed in accordance with the provisions of this Act.

Oath of office and secrecy.

30. (*1*) The Chairperson and Judicial Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form, manner and before such authority, as may be prescribed.

(*2*) The Chairperson and the Judicial Members shall not hold any other office during their tenure as a Chairperson or a Judicial Member.

(*3*) On ceasing to hold office the Chairperson or a Judicial Member shall not appear, plead or act before the Tribunal or the Appellate Tribunal.

Tribunal to have exclusive jurisdiction.

31. Notwithstanding anything contained in any other law for the time being in force, the State Genocide Tribunal shall have the exclusive jurisdiction to try the offences under this Act.

Powers of the Tribunal.

32. Notwithstanding anything contained in any other law for the time being in force, the State Genocide Tribunal shall exercise the same powers as that of a Court of Sessions, as defined under the Code of Criminal Procedure, 1973.

Staff of Tribunal.

33. *(1)* The Central Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions.

(2) The recruitment of the officers and other employees of the Tribunal shall be made by the Chairperson in such manner as may be prescribed.

(3) The officers and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairperson.

(4) The salaries and allowances and conditions of service of the officers and other employees of the tribunal shall be such as may be prescribed.

CHAPTER V

NATIONAL GENOCIDE APPELLATE TRIBUNAL

Establishment of the National Genocide Appellate Tribunal.

34. *(1)* The Central Government shall, by notification, establish an Appellate Tribunal to be known as the National Genocide Appellate Tribunal.

(*2*) The Appellate Tribunal shall hear and dispose of appeals against any order passed, direction issued or decision made by the Genocide Tribunal.

(*3*) The Appellate Tribunal shall sit at New Delhi, or at such other places as the Central Government may, from time to time, appoint.

Composition of the Appellate Tribunal.

35. The Appellate Tribunal shall consist of—

(*a*) a full-time Chairperson; and

(*b*) not less than two but subject to maximum of four Judicial Members as the Central Government may from time to time, notify.

Appointment Committee for appointment of Chairperson and Judicial Members of the Appellate Tribunal.

36. (*1*) The Chairperson and Judicial Members of the Appellate Tribunal shall be appointed by an Appointment Committee consisting of—

(*a*) the Chief Justice of India as the Chairperson;

(*b*) four Senior-most Judges of the Supreme Court of India.

(*2*) The manner of selection of panel of names shall be such, as may be prescribed by the Supreme Court of India.

Qualification for appointment of Chairperson and Judicial Member.

37. (*1*) A person shall not be qualified for appointment as the Chairperson of the Appellate Tribunal, unless he is or has served as a Judge of the Supreme Court of India.

(*2*) A person shall not be qualified for appointment as the Judicial Member of the Appellate Tribunal unless he is or has served as a Judge of a High Court.

Term of office and other conditions of service of Chairperson and Judicial Member.

38. The Chairperson and the Judicial Member of the Appellate Tribunal shall hold office for a term of five years from the date on which they enter upon their office and shall be eligible for re-appointment.

Resignation.

39. The Chairperson and Judicial Member of the Appellate Tribunal may, by notice in writing under their hand addressed to the Central Government, resign their office.

Salaries, allowances and other terms and conditions of service.

40. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson and Judicial Member shall be such as may be prescribed.

Removal of Chairperson and Judicial Member.

41. (*1*) The Central Government may, in consultation with the Chief Justice of India, remove from office of the Chairperson or Judicial Member of the Appellate Tribunal, who,—

(*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; or

(*d*) has acquired such financial or other interest 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.

(*2*) The Chairperson or Judicial Member shall not be removed from his office except by an order made by the Central Government after an inquiry made by a Judge of the Supreme Court in which such Chairperson or Judicial Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Judicial Member to act as Chairperson of Appellate Tribunal.

42. In the event of occurrence of vacancy in the office of the Chairperson, by reason of his death, resignation or otherwise, the senior most Judicial Member shall act as the Chairperson, until the date on which a new Chairperson is appointed, in accordance with the provisions of this Act.

Oath of office and secrecy.

43. (*1*) The Chairperson and Judicial Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form, manner and before such authority, as may be prescribed.

(*2*) The Chairperson and the Judicial Members shall not hold any other office during their tenure as a Chairperson or a Judicial Member.

(*3*) On ceasing to hold office, the Chairperson or a Judicial Member shall not appear, plead or act before the Tribunal or the Appellate Tribunal.

CHAPTER VI

APPEALS

Appeals from conviction.

44. (*1*) Any person aggrieved by an award, order or decision of the Genocide Tribunal may file an appeal to the Appellate Tribunal, in such form and manner, as may be prescribed, within ninety days from the date of such award, order or decision.

(*2*) Any person aggrieved by any award, order or decision of the Appellate Tribunal, may file on appeal to the Supreme Court, within ninety days from the date of such award, order or decision in such form and manner, as may be prescribed.

Appeal by State Government against sentence.

45. (*1*) The State Government may, in any case of conviction, on a trial held by the Genocide Tribunal direct the public prosecutor to present an appeal against the sentence, to the Appellate Tribunal on the ground of its inadequacy.

(*2*) When an appeal has been filed on the ground of inadequacy, the Appellate Tribunal shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for reduction of the sentence.

(*3*) Where the Appellate Tribunal upholds or reduces the sentence, the State Government may direct the public prosecutor to present an appeal to the Supreme Court of India on the ground of inadequacy.

Appeal in case of Acquittal.

46. (*1*) The State Government may direct the public prosecutor to present an appeal to the Appellate Tribunal from an order of acquittal passed by the State Genocide Tribunal.

(*2*) No appeal to the Appellate Tribunal shall be entertained except with the leave of the National Genocide Appellate Tribunal.

(*3*) If such an order of acquittal is passed in any case instituted upon a complaint, and the Appellate Tribunal, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the Appellate Tribunal.

Appeal against conviction by National Genocide Appellate Tribunal.

47. Where the Appellate Tribunal, on appeal, reverses an order of acquittal of an accused person and convicts him to sentence of death or imprisonment for life, he may appeal to the Supreme Court.

Powers of Appellate Tribunal.

48. After perusing such records and hearing the appellant or his pleader, if he appears, and the public prosecutor, if he appears, and in case of an appeal under section 46 or

section 47, the accused, if he appears, the Appellate Tribunal may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may,—

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be re-tried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(*b*) in an appeal from a conviction—

(*i*) reverse the finding and sentence or acquit the accused, or order him to be re-tried by a Tribunal of competent jurisdiction subordinate to such Appellate Tribunal, or

(*ii*) alter the finding, maintaing the sentence, or

(*iii*) with or without altering the finding, alter the nature or the extent, or the nature and extent, of the sentence, but not so as to enhance the same;

(*c*) in an appeal for enhancement of sentence:—

(*i*) reverse the finding and sentence or acquit the accused or order him to be re-tried by a court competent to try the offence, or

(*ii*) alter the finding maintaining the sentence, or

(*iii*) with or without altering the finding, alter the nature or the extent, or, the nature and extent, of the sentence, so as to enhance or reduce the same.

(*d*) in an appeal from any other order, alter or reverse such order;

(*e*) make any amendment or any consequential or incidental order that may be just or proper:

Provided that the sentence shall not be enhanced unless the accused has had an opportunity of showing cause against such enhancement:

Provided further that the Appellate Tribunal shall not inflict greater punishment for the offence than that ordered for that offence by the court passing the order or sentence under appeal.

CHAPTER VII

SUBMISSION OF DEATH SENTENCES FOR CONFIRMATION

Sentence of Death to be submitted by the State Genocide Tribunal for confirmation.

49. (*1*) When the State Genocide Tribunal passes a sentence of death, the proceedings shall be submitted to the Appellate Tribunal, and the sentence shall not be executed unless it is confirmed by the Appellate Tribunal.

(*2*) The State Genocide Tribunal shall commit the convicted person to jail custody under a warrant.

Powers to direct further inquiry to be made or additional evidence to be taken.

50. (*1*) If when such proceedings are submitted, the Appellate Tribunal thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the State Genocide Tribunal.

(*2*) Unless the Appellate Tribunal otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or such evidence is taken.

Powers of the Appellate Tribunal to confirm sentence or annul conviction.

51. In any case submitted under section 49, the Appellate Tribunal—

(*a*) may confirm the sentence or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the State Genocide Tribunal might have convicted him, or order a new trial on the same or on amended charge, or

(*c*) may acquit the accused person:

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

CHAPTER VIII

REFERENCE TO HIGH COURT

Reference to High Court.

52. (*1*) Where the State Genocide Tribunal is satisfied that a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation or of any provision contained in an Act, Ordinance or Regulation, the determination of which is necessary for disposal of the case, and is of opinion that such Act, Ordinance, Regulation or provision is invalid or inoperative, but has not been so declared by the High Court in whose jurisdiction that Tribunal is situated or by the Supreme Court, the State Genocide Tribunal shall state a case setting out its opinion and the reasons therefore, and refer the same for the decision of the High Court.

Explanation.—In this section, "Regulation" means any Regulation as defined in the General Clauses Act, 1897 (10 of 1897), or in the General Clauses Act of a State.

(*2*) The State Genocide Tribunal may, if it thinks fit in any case pending before it to which the provisions of sub-section (*1*) do not apply, refer for the decision of the High Court any question of law arising in the hearing of such case.

(*3*) The State Genocide Tribunal making reference to the High Court under sub-section (*1*) or sub-section (*2*) may, pending decision of the High Court thereon, either commit the accused to jail or release him on bail to appear when called upon.

CHAPTER IX

WITNESS PROTECTION

Witness Protection Fund.

53. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Fund for each State to be known as the Witness Protection Fund for implementation of Witness Protection Order passed by the competent authority.

(2) The Witness Protection Fund shall consist of the following:—

(a) budgetary allocation made in the annual budget by the Central Government or a State Government, as the case may be;

(b) receipt of amount of fines imposed and ordered to be deposited by the Tribunals in the Witness Protection Fund.

(c) donations and contributions from International, National, Philanthropist, Charitable Institutions, Organisations and private individuals.

(3) The Fund shall be administered by the Registrar General of the High Court of the concerned State.

Categories of Witness.

54. Based on the threat levels, witnesses shall be classified into the following categories:—

Category 'A': Where the threat extends to life of witness or his family members and their normal way of living is affected for a substantial period during investigation trial or even thereafter.

Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members only during the investigation process or trial.

Category 'C': Where the threat is moderate and extends to harassment and intimidation of the witness or his family members, reputation or property during the investigation process.

Procedure for obtaining Witness Protection.

55. (*1*) Any person who is a witness or intends to be a witness in any proceeding under this Act, shall make an application to the competent authority for obtaining protection.

(*2*) The competent authority shall pass an order directing the concerned Investigating Officer to conduct a threat assessment study and submit a report, indicating the level of threat within a period of seven days.

(*3*) If the apprehended level of threat is high and imminent, the investigating agency shall provide interim protection to the applicant witness.

(*4*) Within two days from the receipt of the threat assessment report, the competent authority based on the threat level shall pass a Witness Protection Order.

(*5*) Upon any such order according protection to witnesses, passed by the competent authority, the competent authority shall monitor the execution of the Order and conduct monthly reviews, the report of which shall be submitted to the State Genocide Tribunal.

Types of Protection.

56. The Witness Protection Order measures ordered shall be proportional to the threat of life and property of the witness and may include the following:—

(*a*) safeguards to the witness so that he could not come face to face during investigation or trial with the accused;

(*b*) monitoring of mail and telephone calls of witnesses;

(*c*) arrangement with the telephone company to change the telephone number of witnesses or assign him an unlisted telephone number;

(d) installation of security devices such as security doors, CCTV, alarms, fencing at the residence of witness;

(*e*) concealment of identity of the witness by referring to him with the changed name;

(*f*) emergency contact persons for the witness;

(*g*) close protection, regular patrolling around the witness's house;

(*h*) temporary change of residence to a relative's house or a nearby town;

(*i*) escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing;

(*j*) holding of *in-camera* trials;

(*k*) allowing a support person to remain present during recording of statement and deposition;

(*l*) usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witness and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness's voice, so that he is not identifiable;

(*m*) expeditious recording of deposition during trial on day to day basis without adjournments;

(*n*) awarding time to time periodical financial aids/grants to the witness from witness Protection Fund for the purpose of re-location, sustenance or starting new vocation/profession, if desired;

(*o*) any other form of protection measures considered necessary, and specifically, those requested by the witness.

CHAPTER X

MISCELLANEOUS

Act to have overriding effect.

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

Application of Act 2 of 1974.

58. Except wherein specific procedure is provided for in this Act, the provisions of the Code of Criminal Procedure, 1973 and the Indian Evidence act, 1872 shall apply to this Act.

Power to make rules.

59. (*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 Convention on the Prevention and Punishment for the Crime of Genocide, 1948 was the first international effort which recognized genocide as a crime against humanity and aimed at ensuring that the horrors of the holocaust of the Jews, should not be repeated anywhere else in the world. However, due to lack of concerted efforts and ignorance of nation States, the World witnessed some of the worst genocides in human history.

India signed the Convention on the Prevention and Punishment for the Crime of Genocide, 1948 on 29th November, 1949 and ratified the convention ten years later on 27th August, 1959. However, no concrete steps were taken to enact a legislation concerning addressing the issue. India too fell prey to this menace, and witnessed some of the worst crimes perpetrated in Indian History, which qualifies as genocide under the convention. What is appalling is that we still did not learn our lessons well. India conveniently refused to sign the International treaty which led to the establishment of the International Criminal Court at Geneva, which was established to prosecute perpetrators of crimes against humanity. Due to the lack of any specific legislation on genocide, and our unfulfilled international obligations, these crimes were not adequately punished. In such circumstances, the need for a strong legislation on genocide becomes more pressing.

The proposed Bill seeks to achieve the objectives by—

(*i*) defining the term genocide and stringent punishment for the offence of genocide;

(*ii*) establishing of Centre for Research to Prevent Genocide to provide early warning of possible genocides;

(*iii*) setting up of Genocide Tribunal in each state and a National Genocide Appellate Tribunal; and

(*iv*) providing a comprehensive witness protection programme.

Hence, this Bill.

NEW DELHI; KIRTI AZAD

December 11, 2015.

FINANCIAL MEMORANDUM

Clause 16 of the Bill provides for establishment of a centre for Research to Prevent Genocide. Clause 18 Provides for appointment of officers and staff to the Centre. Clause 21 provides for establishment of Genocide Tribunal. Clause 27 provides for salary, allowances and other terms and conditions of services of Chairperson and Judicial member of the Tribunal. Clause 33 provides for recruitment of officers and employees of Tribunal. Clause 34 provides for establishment of National Genocide Appellate Tribunal. Clause 40 provides for salary, allowances and other terms and conditions of services of Chairperson and Judicial member of the Appellate Tribunal. Clause 53 provides for constitution of Witness Protection Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Found of India. It is estimated that recurring expenditure of about rupees seven hundred crore would involved per annum.

A non-recurring expenditure of about rupees four thousand crore is likely to be involved

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 59 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

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BILL NO. 12 OF 2016

A Bill to provide for payment of remunerative price to euryale ferox nut growers, insurance of euryale ferox nut crop free of cost and for overall welfare of euryale ferox nut growers and for matters connected therewith.

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

Short title and commencement.

1. (*1*) This Act may be called the Euryale Ferox Nut Growers (Remunerative Price and Welfare) Act, 2016.

(*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*) "Fund" means the Euryale Ferox Nut Growers Welfare Fund constituted under section 6;

(*b*) "grower" means any person who cultivates euryale ferox; and

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

Procurement of euryale ferox nut crop.

3. *(1)* The Central Government shall procure the entire euryale ferox nut crop from growers through such agency as may be prescribed.

Fixation of remuneration price of euryale ferox nut.

4. The Central Government shall fix remunerative price of euryale ferox nut every year after taking into consideration—

(*a*) increase in the price of euryale ferox nut seeds, pesticides, fertilizers and other inputs;

(*b*) total investment made by the euryale ferox nut growers; and

(*c*) such other factors, as may be prescribed.

Insurance.

5. The entire euryale ferox nut cultivated by every grower shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of euryale ferox nut, fall in the price of euryale ferox nut and such other eventualities as may be prescribed.

Euryale Ferox Nut Growers Welfare Fund.

6. *(1)* The Central Government shall constitute a Fund to be known as the Euryale Ferox Nut Growers Welfare Fund.

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

Utilisation of the Fund.

7. The Fund shall be utilized—

(*a*) to provide financial assistance to euryale ferox nut growers for purchasing euryale ferox nut seeds, pesticides and fertilizers and in cases of low yields of euryale ferox nut or loss of their crops due to rains, storms, floods, hailstorms or drought;

(*b*) to pay compensation to the next of kin of euryale ferox nut growers in the event of their death;

(*c*) to provide free health facilities to euryale ferox nut growers and their families;

(*d*) to provide assistance to the euryale ferox nut growers in the event of disability; and

(*e*) for such other purposes as may be prescribed by the Central Government.

Power to make rules.

8. (*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 States of Bihar, Assam, Odisha and Manipur have conducive conditions for the production of euryale ferox nut. The euryale ferox nut, as a food product, is used as a salty item by roasting it, and as sweet item in kheer, prasada etc. Particularly in North India, it is served to women post natal for medicinal purposes. But of late, euryale ferox nut growers in the country are facing problems as they are not getting remunerative price for their produce. Euryale ferox nut cultivation is turning out to be a non-profitable venture for the farmers due to increase in the prices of euryale ferox nut seeds, fertilizers, pesticides and other inputs. Due to high investment involved in the cultivation of euryale ferox nut, farmers have to go for loans and on account of being unable to repay the loans, they are living under great distress. Being a cash crop, insurance facility is also not available to the euryale ferox nut farmers.

The condition of euryale ferox nut growers in the leading euryale ferox nut producing States of Bihar, Assam, Odisha and Manipur is pitiable. Farmers of these States are getting into debt trap and in many cases, their financial condition is compelling them to take the extreme step of committing suicide.

Therefore, it is the responsibility of the Central Government to fix the remunerative price of euryale ferox nut; provide for free and compulsory insurance of euryale ferox nut crops and constitute a Euryale Ferox Nut Growers Welfare Fund to meet various needs of euryale ferox nut growers.

Hence this Bill.

NEW DELHI;
December 11, 2015.

KIRTI AZAD

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procurement by the Central Government of entire euryale ferox nut produced in the country. Clause 5 provides for compulsory insurance of euryale ferox nut crop free of cost against natural calamities, fall in the yield of euryale ferox nut, fall in price of euryale ferox nut and such other eventualities. Clause 6 provides for the constitution of a Euryale Ferox Nut Growers Welfare Fund. 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 thousand crore may be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees seven 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 the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 2 OF 2016

A Bill further to amend the Representation of the People Act, 1951.

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

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 2016.

(*2*) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

Amendment of section 33.

2. In section 33 of the Representation of the People Act, 1951, in sub-section (*7*),— 43 of 1951.

(*i*) in clause (*a*), for the words "from more than two Parliamentary constituencies", the words "from more than one Parliamentary constituency" shall be substituted;

(*ii*) in clause (*b*), for the words "from more than two Assembly constituencies", the words "from more than one Assembly constituency" shall be substituted;

(*iii*) in clause (*c*), for the words "from more than two Council constituencies", the words "from more than one Council constituency" shall be substituted;

(*iv*) in clause (*d*), for the words "for filling more than two such seats", the words "for filling more than one such seat" shall be substituted;

(*v*) in clause (*e*), for the words "from more than two such Parliamentary constituencies", the words "from more than one such Parliamentary constituency", shall be substituted;

(*vi*) in clause (*f*), for the words "from more than two such Assembly constituencies", the words "from more than one such Assembly constituency" shall be substituted;

(*vii*) in clause (*g*), for the words "for filling more than two such seats", the words "for filling more than one such seat" shall be substituted; and

(*viii*) in clause (*h*), for the words "from more than two such Council constituencies", the words "from more than one such Council constituency" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under section 33 of the Representation of the People Act, 1951, a person is allowed to contest polls from a maximum of two seats. When a candidate wins both the seats, he or she must vacate one within a specified number of days, triggering a bye-election, as stated under section 70 of the Act. Allowing candidates to contest from more than one constituency is a drain on the exchequer and also compels the voters to participate in an unwarranted bye-election.

The Background Paper on Electoral Reforms (December, 2010), prepared by the Core Committee on Electoral Reforms and co-sponsored by the Election Commission of India had observed that in situations where a person contests elections from two constituencies and wins from both, a bye-election is required from one constituency, which necessarily involve avoidable labour and expenditure on the conduct of that bye-election. It has also recommended an amendment to the Representation of the People Act, 1951 to provide that a person cannot contest from more than one constituency at a time.

It is believed that allowing candidates to contest elections from two seats allows them to cover political risks. The Bill seeks to ensure that a person do not contest from more than one seat at a time, thereby increasing the commitment of candidates towards the electorate he or she claims to want to serve and furthering India's democratic evolution.

The Bill, therefore, seeks to amend the Representation of the People Act, 1951 in order to achieve the above objective.

Hence, this Bill.

NEW DELHI;
December 21, 2015.

RABINDRA KUMAR JENA

BILL NO. 9 OF 2016

A Bill to provide for equal compensation to victims of accidents by the Government and for matters connected therewith and incidental thereto.

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Victims of Accident (Equal Compensation) Act, 2016.

(*2*) It extends to the whole of India.

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

Definitions.

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

(*a*) "accident" means an unexpected and undesirable incident resulting in injury or death of a person during travel by road, railway or air or due to natural disasters, or terrorist or extremists activities or stampede;

(*b*) "victim," means a person killed or injured in any accident;

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

(*d*) "compensation" means financial assistance provided by the Central Government to the victim or his dependent;

(*e*) "dependent" means the parents, spouse, children or siblings of the victim;

(*f*) "Fund" means the Victims of Accident Compensation Fund constituted under section 4;

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

(*h*) "qualified medical practitioner" means any person declared by the Central or State Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purposes of this Act.

Equal compensation to victims of accidents.

3. *(1)* The Central Government shall after taking into consideration the loss or injury sustained, pay equal amount of compensation to every victim.

(2) The amount of compensation shall be as follows:—

(i) where death results from the accident, the dependents of the victim shall be paid rupees twenty lakh;

(ii) where permanent disability results from the accident, the victim shall be paid rupees ten lakh;

(iii) where temporary disability results from the accident, the victim shall be paid rupees four lakh; and

(iv) where ordinary injury results from the accident, the victim shall be paid rupees one lakh.

(3) The nature of injury suffered by a victim shall be examined and reported by a qualified medical practitioner, in such manner as may be prescribed.

(4) The compensation amount shall be disbursed to the victim or to his dependent within one week from the date of receipt of report of the qualified medical practitioner.

Constitution of Victims of Accident Compensation Fund.

4. *(1)* The Central Government shall constitute a Fund to be known as the Victims of Accident Compensation Fund for the purposes of this Act.

(2) The State Governments shall contribute to the Fund in such proportion as may be prescribed.

(3) Such other sums as may be received by way of donation or contribution both from domestic and international institutions shall also be credited to the Fund.

(4) The Fund shall be administered by a Board to be known as the Victims of Accident Compensation Board, consisting of:—

(i) the Prime Minister—ex-officio Chairperson;

(ii) the Chief Ministers of every State and Lieutenant Governor or Chief Administrators of Union territories; and

(iii) ten retired judges of High Court to be appointed by the Central Government in such manner as may be prescribed.

State Government to furnish statistical information.

5. The Central Government may require a State Government to furnish such statistical and other information as may be necessary for implementation of the provisions of this Act, in such form and within such period as may be prescribed.

Constitution of a special team by the appropriate Government.

6. (*1*) The appropriate Government shall constitute a Special Team to effectively implement the provisions of this Act within their jurisdiction.

(*2*) The Special Team shall consist of ten members of which five shall be appointed by the Central Government and five by the appropriate Government in such manner as may be prescribed.

(*3*) The Special Team shall—

(*i*) visit the accident site and collect information relating to the victims;

(*ii*) submit the accident related information to the Victims of Accident Compensation Board;

(*iii*) ensure that the victims receive the compensation within the time limit prescribed under this Act; and

(*iv*) undertake any other work that may be assigned by the Victims of Accident Compensation Board.

Central Government to provide adequate 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 purposes of this Act.

Savings.

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 regulating any of the matters dealt within this Act.

Power to make rules.

9. *(1)* The Central Government may, be 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 and 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 provides right to equality to every citizen as a Fundamental Right. There is a provision for equality and non-discrimination before law under articles 14 to 16 and for social equality under articles 17 and 18 of the Constitution. The right to equality provided by the Constitution provides that all persons within the territories of India should get equal protection under the law and should be treated equally in similar situations. In case of accident financial assistance is provided as compensation to affected persons. However in case of death of the accident affected person, the relatives of the deceased have to go to court for justice which is unfortunate. Thousands of suits are filed in courts for similar compensation in similar situations. In may cases, courts have also given decisions to provide for equal amounts. Despite this, there is no clear policy of the Government. Everything depends on the administrative decision. Now, the time has come to formulate a law providing for payment of fixed amounts as compensation to the next kin of deceased and to the injured in accidents.

Hence this Bill.

NEW DELHI;
December 22, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for equal compensation to accident affected persons. Clause 4 provides for constitution of a Victims of Accident Compensation Fund. Clause 7 provides that the Central Government shall provide adequate funds to carry out provisions of this Act. The Bill, therefore, if anacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty five thousand crore per annum will be involved.

A non-recurring expenditure of rupees five 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, therefore, of a normal character.

BILL NO. 10 OF 2016

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

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Homeless Pavement Dwellers (Welfare) Act, 2016.

(*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*) "pavement dweller" includes a person living on the pavement or footpath, under the bridge, flyover, bus stop, railway station or yard, in park or under the open sky in any public place in the metros and urban areas; and

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

National Welfare policy for pavement dwellers.

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

(2) Without prejudice to the generality of the foregoing provisions, the welfare policy may provide for—

(a) recognition of right of the dwellers to live on pavements without any hindrance or interference from any authority of the Government including Police and civic authorities till alternative shelter is made available to them;

(b) humanitarian approach towards their homelessness and acute poverty by various Government authorities;

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

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

(e) provision of potable water;

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

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

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

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

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

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

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

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

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

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

Central Government to provide requisite funds.

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

Power to remove difficulty.

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

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

Act to have overriding effect.

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

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 previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

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

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

Hence this Bill.

NEW DELHI;
December 22, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

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

A non-recurring expenditure of rupees ten thousand crore may also involve.

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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 normal character.

BILL NO. 8 OF 2016

A Bill to provide for special financial assistance to the State of Maharashtra for the purposes of promoting the welfare of the Scheduled Castes, the Scheduled Tribes, Other Backward Sections of the people and agricultural labourers, development of infrastructure and backward districts, exploitation and proper utilisation of its resources and for matters connected therewith.

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

Short title and commencement.

1. (*1*) This Act may be called the Special Financial Assistance to the State of Maharashtra Act, 2016.

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

Special financial assistance to the State of Maharashtra.

2. There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Maharashtra to meet the costs of such schemes of development, as may be undertaken by the State with the approval of Union Government for the purposes of—

(i) promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Sections of the people;

(ii) implementing welfare measures with a view to improve the conditions of agricultural labourers;

(iii) allocating adequate funds for special development projects;

(iv) developing necessary infrastructure; and

(v) development, exploitation and proper utilisation of 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

The State of Maharashtra is socially and economically backward. Problems of poverty, unemployment and illiteracy are required to be addressed urgently. Besides, the measures for proper utilisation of resources in order to address the issue of backwardness in the State, measures for the welfare of weaker sections in the region and new development schemes in a time-bound manner are required to be initiated.

It is, therefore, necessary that Central Government should provide special financial assistance to the State of Maharashtra for its all round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to the State of Maharashtra would go a long way in building a more powerful nation.

Hence this Bill.

NEW DELHI;
December 22, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

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

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

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

BILL NO. 1 OF 2016

A Bill further to amend the Constitution of India

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

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2016.

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

Insertion of new Part IVB.

2. After Part IVA of the Constitution, the following Part shall be inserted, namely:—

"PART IVB

PROHIBITIONS

Definition.

51B. In this Part, unless the context otherwise requires, " the State" has the same meaning as in Part III.

Prohibitions.

51C. There shall be a total prohibitions on the following acts by any person including owner, lessee or occupant of a residential or a commercial establishment, whether private or public,—

(*a*) littering;

(*b*) dumping or disposal of garbage or electronic waste in a manner not authorised by the State;

(*c*) urinating, defecating or spitting in a public place;

(*d*) dirty frontage or surroundings of any building;

(*e*) stacking of garbage outside residence or establishment; and

(*f*) obstruction by placing any dilapidated appliances or vehicles or by disposing any merchandise or illegal structure along side walk.

Enforcement of prohibitions.

51 D. The State shall, within six months of coming into force of this Act, take all such steps, including enactment of laws, as may be necessary, for enforcement of prohibitions referred to in article 51C.".

STATEMENT OF OBJECTS AND REASONS

In India, public health, sanitation and public convenience services are primary responsibilities of the institutions of local self-Government and the State Governments. These subject matters are of paramount importance as health of common man has direct relation to practice of sanitation and facilities of public convenience provided by the State Governments. However, it has been observed that the State Governments including institutions of local self-Government *i.e.,* Municipal Corporations, Boards or Councils at local level have miserably failed to address the issues of sanitation and public convenience in a proper manner. Recently, the Union Government has initiated '*Swachh Bharat Abhiyan*' to instill a sense of cleanliness and health consciousness among public and sensitise the local bodies to provide sanitation and public services effectively.

To make '*Swachh Bharat Abhiyan*' a success story, it is urgently required that the citizens also play a positive role in maintaining cleanliness in public places and abjure hazardous practice of littering, spitting, urinating or dumping of garbage in public places. Therefore, it is necessary that relevant provisions be inserted in the Constitution so that the Central Government, the State Governments including institutions of self-Government and citizens can play their due role to achieve the objectives of '*Swachh Bharat Abhiyan*' in a time bound manner.

The Bill seeks to amend the Constitution with a view to insert a new Part IVB providing for a total prohibition on littering, dumping, spitting, urinating, etc. in public places by citizens so as to ensure the cleanliness in our surroundings to promote pollution free environment.

Hence this Bill.

NEW DELHI;
December 23, 2015.

RAMESH POKHRIYAL 'NISHANK'

ANOOP MISHRA
Secretary General

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