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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 26th February, 2016:—

I

BILL NO. LIX OF 2015

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

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

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2015.
(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Short title
and com-
mencement.

2 of 1974.

2. In section 196 of the Code of Criminal Procedure, 1973 sub-sections (1), (1A) and (3) shall be deleted.

Amendment
of section
196.

STATEMENT OF OBJECTS AND REASONS

There are several laws against communal violence in the country but their enforcement is hampered by legal limitations and a severely ineffective police. This makes communal offenders act with impunity, encouraging more of such violence. It is therefore vital that the law be strengthened and gaps plugged in so that the perpetrators of crime as well as the victims get justice.

Section 196 (1) and (1A) of the Code of Criminal Procedure (CrPC) requires the permission of the Union or State Government for prosecuting those accused of communal offences as prescribed under sections 153A, 153B, 295A and 505 of the Indian Penal Code (IPC). This has rendered the existing laws largely powerless as patronage is frequently used to deny sanction and to shelter the accused. This is the reason why several commissions, including the second Administrative Reforms Commission in its 5th report on public order, recommended that the relevant clauses under the section be removed. This amendment, therefore, seeks to remove the requirement of Government permission before prosecuting the accused.

Hence this Bill.

HUSAIN DALWAI

II**BILL NO. II OF 2016**

A Bill to provide for the protective measures with need based rehabilitation and welfare to be undertaken by the Government for the distressed, infirm, neglected, abandoned and disowned widows and single women by providing financial assistance, pension, medical care, housing and other facilities through a Welfare Board to such widows and single women 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:—

1. (1) This Act may be called the Distressed Widows and Single Women (Protection, Rehabilitation and Welfare) Act, 2016.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "abandoned and disowned widow" means a widow who has been deserted or thrown out of household by her relatives to fend for herself and who has no means to support her and her dependent children, if any;

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

(c) "Board" means the Distressed Widows and Single Women Welfare Board established under section 3;

(d) "distressed" in relation to a widow and single women means any suffering widow or single woman who lives uncared for and has become infirm due to old age or chronic or incurable disease, physical deformity or mental imbalance and who has no independent and adequate means of livelihood for her and her dependent children, if any;

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

(f) "single woman" means a female adult human being who is either not married or divorce or judicially separated from her spouse for the purposes of this Act;

(g) "widow" means a legally married women whose husband has died.

3. (1) The Central Government, shall, as soon as may be, but within six months after the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Distressed Widows and Single Women Welfare Board for carrying out the purposes of this Act.

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

(3) The head office of the Board shall be at Aurangabad in the State of Maharashtra and the Board shall establish its branches in all other States and Union Territories at conspicuous places as the Board may deem fit and necessary.

(4) The Board shall consist of:—

(a) the Minister of Women and Child Development of the Union Council of Ministers who shall be the ex-officio chairperson of the Board;

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

(c) one member representing single women with such qualification, as may be prescribed, to be appointed by the Central Government;

(d) five women Members of Parliament of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be nominated by the respective Presiding Officers of each House;

(e) five members representing Union Ministries of Home Affairs, Human Resource Development, Health and Family Welfare, Finance and Social Justice and Empowerment;

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

(g) three members to be appointed by the Central Government from amongst the registered Non-Governmental Organisation (NGOs) working for the Welfare of distressed widows or single women, as the case may be.

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

(6) The Board shall follow such procedure for holding its meetings and the quorum for such meetings shall be such, as may be prescribed.

Establishment
of the
Distressed
Widows and
Single women
Welfare
Board.

(7) The Board shall have a Secretariat consisting of a Member Secretary and such number of officers, employees and establishments with such conditions of service, emoluments and perks, as may be prescribed or determined, from time to time, for the efficient functioning of the Secretariat of the Board.

4. (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote and implement such protective and welfare measures as it thinks appropriate, expedient, necessary and fit, including rehabilitation for the distressed widows and single women who are in dire need of such measures.

Functions of the Board.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall,—

(a) maintain district-wise register of the abandoned, disowned and distressed widows and single women covered under this Act who are to be rehabilitated and are in need of assistance from the Board with such particulars and details and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow and single woman covered under this Act to assess her need for assistance in such manner as may be prescribed;

(c) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows and single women covered under this Act and implement them in right earnest;

(d) conduct a special survey of the abandoned and disowned widows subsisting on alms as beggar or chanting bhajans in the temples of Mathura, Vrindavan and other parts of Uttar Pradesh and other parts of the country or who are languishing in temples as Devdasis in various parts of the country and formulate appropriate rehabilitation and reuniting with their families programmes for such widows and single women in such manner as may be prescribed;

(e) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the widows and single women covered under this Act to avail them ; and

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

5. (1) With effect from such date, as the Central Government may, by notification in the official Gazette, specify in this behalf, there shall be established for the purposes of this Act, a fund with initial corpus of rupee fifty thousand crore through due appropriation made by Parliament to be called the National Distressed Widows and Single Women Rehabilitation and Welfare Fund to be operated by the competent Authority in consultation with the Board in such manner, as may be prescribed.

Establishment of National Distressed Widows and Single women Rehabilitation and Welfare Fund.

(2) The fund established under Sub-section (1) shall consist of all receipts from—

(a) The Central Government and Governments of the States and Union Territories and their institutions and organisations;

(b) Body Corporates, both of public and private sector and Banks and financial institutions both domestic and foreign; and

(c) Individuals, associations and others in the form of contributions or donations.

6. (1) On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows and single women covered under this Act, the following facilities, namely,

Facilities to be provided by the appropriate Government.

(a) monthly subsistence allowance of not less than five thousand rupees if the widow or the single woman, as the case may be, is having any dependent children and not less than three thousand rupees in case she has no children to support;

(b) residential accommodation free of cost wherever necessary;

(c) free medical care with medicines and with indoor and outdoor facilities as per the need;

(d) free education to the dependent children including higher, medical, engineering and education as per the information technology calibre;

(e) gainful employment as per the physical condition after imparting vocational training wherever possible;

(f) financial assistance for rehabilitation like self employment wherever required;

(g) free legal aid in case the widow or single woman, as the case may be, has been thrown out or abandoned by her kith and kin;

(h) such other facilities, as may be necessary for the rehabilitation, welfare, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:

Provided that if, a widow or single woman, as the case may be, covered under this Act either gets married, remarried, gainfully employed or taken back by her kith and kin in the family, the facilities being provided to her shall be withdrawn by the appropriate Government.

(2) the costs incurred by the appropriate government on providing the facilities under this Act to the widows and single women covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 5.

Protective provisions.

7. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall,—

(a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be where such widow or single woman was last residing;

(b) be entitled to inherit the property or her share of jointly owned property from her in-laws or parents, as the case may be;

(c) be entitled for maintenance from her in-laws or kith or kin who neglect or abandon the widow or single woman, as the case may be.

Establishment of hostels.

8. (1) The appropriate Government shall establish such number of hostels at conspicuous places in various parts of its territorial jurisdiction as it may deem necessary for boarding and lodging of abandoned and disowned and distressed widows and single women covered under this Act with necessary facilities of daily life as may be prescribed.

(2) The appropriate Government shall also provide necessary free medical aid and medicines and means of entertainment for the residents of the hostels established under sub-section (1):

Provided that residents of such old age homes shall not be entitled for subsistence allowance under this Act.

Central Government to provide requisite funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the States, Union Territories and the Board from time to time for carrying out the purposes of this Act.

Annual Report of the Board.

10. The Board shall submit an Annual Report in such form and in such manner, as may be prescribed, of its activities in implementing the provisions of this Act to the President of India who shall cause the Report to be laid before both the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received.

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

Power to remove difficulty.

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

Act to have overriding effect.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows and single women covered under this Act.

Act to supplement other laws.

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

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our Country, worlds second most populous Nation, there are millions of unfortunate and hapless women who lose their husbands during their lifetime and become widows. Their number is nearly three percent of the total population of our Nation and more than fifty percent of these widows are old, infirm suffering from various diseases, physical deformity or mental imbalance particularly belonging to poor and middle class families who live uncared for and neglected by their near and dear ones and most of them are without independent and adequate means of livelihood and roof over their heads. It is very common that when a widow does not have any permanent source of income or livelihood she is driven out of her in-laws home or even from her parental home. Her position becomes more miserable if she has dependent children to support and bring up. Sometimes the condition of such widows become miserable and their problems increase manifold due to poverty and other compelling reasons where they have no other option but to go for begging for survival and many such widows can be seen begging in the streets and public places. Several women who become widows in their youth, in particular in rural and far off areas, are not only sexually exploited by their known ones and many a times forced into prostitution. At some places they are branded as witches and tortured even by their own kith and kin or others from the community. In our society even today they are treated as bad omen and are not allowed to attend or appear during auspicious occasions. Many of such widows work as housemaids and take up other jobs for survival. Large number of abandoned and disowned widows seek refuge in the temples of Mathura, Vrindavan in Uttar Pradesh and other parts of the Country where they chant bhajans or beg for their survival. Even devdasi system is still prevalent in some parts of the Country. Where hapless old and infirm devdasis languish in the temples. Many widows take shelter in old age homes but their number is awfully very short. Then there are quite a large number of single women in our Country. Some of them opt for not to marry because they have to support their families for various reasons such as to educate their siblings or for supporting families as there are no male bread earners or for the treatment of ailing parents etc. etc. It is very common that such women are deserted by their siblings once they get their education and settle in their lives. Since they spend their earnings on others they become penniless in their old age, particularly if they were employed in private sector. Then there are those single women who are either deserted by their husbands or who are legally separated or divorced from their spouses. Many of them become distressed and their miseries increase when they have dependent children to support and bring up. They too need protective umbrella.

Ours is a welfare State. It is the sacred duty of the State to initiate protective and welfare measures for the abandoned, disowned and distressed widows and single women so that they can live gracefully in the society. It is therefore imperative to establish an authority to exclusively take care of such widows and single women throughout the Country.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Distressed Widows and Single Women Welfare Board. Clause 5 provides for the establishment of National Distressed Widows and Single Women Rehabilitation and Welfare Fund with initial corpus of rupee fifty thousand crore to be provided by the Central Government. Clause 6 provides for financial assistance and other facilities for widows and single women. Clause 8 provides for establishment of hostels. Clause 9 makes it mandatory for the Central Government to provide requisite and adequate funds for carrying out the purposes of this Bill. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of rupee fifty thousand crore, it is estimated that a sum of rupee forty thousand crore may involve as recurring expenditure per annum.

A sum of rupee twenty five thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III**BILL No. VII OF 2016**

A Bill to provide for special financial assistance to the State of Maharashtra for containing growing desertification in Marathwada, Madhya Maharashtra and Vidarbha regions caused by consistent deficit rainfall and drought conditions by way of traditional water conservation through lakes, ponds wells, rainwater harvesting and afforestation involving villagers and their Panchayats and for the implementation of development works such as housing, drinking water, roads, sanitation, creation of grain and fodder Banks, skill development and welfare schemes for the women, children, senior citizens and poor people living in these regions of the State and for matters connected therewith and incidental thereto.

Short title
and com-
mencement.

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 Special Financial Assistance to the State of Maharashtra Act, 2016.

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

2. (1) Notwithstanding anything contained in any other law for the time being in force, there shall be paid such sums of money out of the Consolidated Fund of India, which shall not be less than One Lakh Crore rupees, every year, as the Parliament may by due appropriation made by the law in this regard provide, as special financial assistance to the State of Maharashtra.

Special financial assistance to State of Maharashtra.

(2) The special financial assistance under sub-section (1) shall be provided to meet the costs of works to contain the desertification in Marathwada, Madhya Maharashtra and Vidarbha regions of the State and of such development works and welfare schemes as may be undertaken by the State Government of Maharashtra for carrying out the purposes of this Act.

(3) Without prejudice to the generality contained in sub-section (2), the works to contain desertification and development may include,—

(a) creation and maintenance of water conservation bodies such as check dams, digging of open wells, ponds and desiltation of such bodies from time to time;

(b) encouraging and providing irrigation facilities to the farming sector and promotion of drip irrigation facility in these regions;

(c) capping of water guzzling sugarcane area and promotion of traditionally grown crops like jawar, bajra, sunflower, pignon pea or tur, mulberry, potato, etc.;

(d) promotion of rain water harvesting as a movement;

(e) afforestation particularly on vacant or barren and waste land with the help of villagers and village Panchayats including community afforestation;

(f) promotion of growing fodder and setting up fodder Banks at conspicuous places;

(g) creation of foodgrains Banks at conspicuous places to help the farmers and other villagers;

(h) initiating welfare measures for improving the conditions of agricultural workers, senior citizens, women, children and poor people living in these regions;

(i) improving the health and education standards of the children particularly of the girl child;

(j) creation of employment opportunities in the villages for employment throughout the year and particularly for the period of natural calamities;

(k) providing potable water for the villagers and livestock;

(l) providing skill development training to the youth particularly the unemployed ones;

(m) creation of good quality infrastructure of roads, electricity, schools, colleges and transport;

(n) establishing community centres;

(o) establishing cold storages and warehouses for the farmers;

(p) such other provisions as the State Government of Maharashtra may deem necessary for carrying out the purposes of this Act.

3. If any difficulty arise in giving effect to the provisions of this Act, the President of India may, by order, make such provisions not inconsistent with the provisions of this Act which appears to him to be necessary or expedient for removing the difficulty.

Power to remove difficulty.

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 dealing with the subject matter of this Act.

Act to supplement other laws.

STATEMENT OF OBJECTS AND REASONS

Maharashtra, known for its valour, rich traditions and culture, prosperity and development both in urban areas and rural areas, is presently suffering the worst at the hands of mother nature and rain god. Recurring droughts have made the State a epicenter of the farmer suicide. The situation is more precarious in *Marathwada* and *Madhya Maharashtra* where droughts have been a frequent occurrence during the past fifty years. During the current year rain deficit in these regions hovered between 40 to 50 per cent which has created a near emergency situation. Suicides by farmers is at its peak. The frequent droughts are resulting in desertification of the regions where quality pomegranates, grapes, sweetlime, and other fruits used to be grown in plenty and exported for earning precious foreign exchange. These regions used to grow bumper crops of Cotton, Soyabean and traditionally grown crops such as *jawar*, *bajra*, sunflower and pigeon pea or Tur and other pulses and oilseeds. The traditional crops could survive the scorching weather but the crops that have replaced them are less hardy so the same rainfall deficit has a greater impact. For instance, cane has become the bane of Marathwada region which requires an annual rainfall of 2500 mm against the 644 mm which the region got this season. Water guzzling cane has resulted in steep fall in ground water level and resulted in growing desertification. This trend has to be stopped through massive water conservation with check dams and other structures to arrest rain water run off. The traditional methods of water conservation through digging of open wells, ponds, lakes and such other bodies and time to time desiltation of such water bodies needs to be undertaken. Rain water harvesting has to be promoted as a mass movement in these regions.

Afforestation on a large scale particularly on barren and wastelands has to be promoted in these regions involving villagers and village Panchayats by providing incentives. This can certainly arrest the desertification in these regions.

Unfortunately these regions of the State are not much developed in comparison to other regions of the State in terms of infrastructure facilities like that of potable water, roads, electricity, sanitation and other development indicators such as employment, per capita income and education particularly of the girl child. Welfare measures for the senior citizens, widows, physically handicapped or infirm do not exist in these regions of the State. As a welfare State, the Government has to provide all these facilities and work towards containing the desertification and give the requisite push to the much desired development.

But all this require massive financial resources which are beyond the capability of the State Government of Maharashtra. Although the State Government is doing its level best to contain the desertification of these regions in the State under a programme called *Jalyukt Shivar* under which check dams and other structures are being constructed and water bodies are being desilted. Subsidies given by the State have encouraged the digging of open wells. Massive central financial assistance is required by the State of Maharashtra to overcome the financial crunch and the Central Government should provide special financial assistance to Maharashtra.

Hence this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for special financial assistance to State of Maharashtra to be paid out of the consolidated Fund of India by the Central Government every year which shall not be less than one lakh crore rupees to be spent by the State Government of Maharashtra to contain desertification of Marathwada, Madhya Maharashtra and Vidarbha regions and also for development works and welfare schemes. The Bill if enacted will involve expenditure from the Consolidated Fund of India. Recurring expenditure of a minimum rupees one lakh crore may be involved per annum.

Non-recurring expenditure is likely to be involved.

IV**BILL NO. VIII OF 2016**

A Bill to provide for the promotion of cycling by way of giving incentives to the employees by employers including Government, providing subsidy on purchase of bicycles to the general public and for the provision of compulsory dedicated cycle corridor along major public roads and highways in the country 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 Promotion of Cycling and Provision of Dedicated Cycle Corridor along Major Roads and Highways Bill, 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 and different dates may be appointed for different—

- (a) provisions of this Act;
- (b) areas;
- (c) roads or highways.

2. Unless the context otherwise requires,—

Definitions.

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

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

3. (1) Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the appropriate Government to promote eco-friendly and healthy practice of cycling in a big way and also provide dedicated cycle corridors along major roads and highways passing through its territorial jurisdiction in such manner as may be prescribed.

Appropriate Government to promote cycling and provide dedicated cycle corridors.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) the appropriate Government may for the purposes of this Act,—

- (a) provide subsidy to the general public for purchasing bicycles;
- (b) give incentives and attractive cycle allowance to its employees for commuting to office and back home;
- (c) consider giving tax exemptions to promote cycling;
- (d) provide and construct dedicated cycle tracks along arterial streets, main roads and highways;
- (e) make provision for compulsory cycle lanes along all major roads including flyovers;
- (f) prepare and implement bicycle master plans for major cities and urban areas;
- (g) focus on the bicycle as a mode of transport;
- (h) ensure that cycle tracks are not taken over for unauthorised parking by motor vehicles or to become dumps for waste; and
- (i) make such other provisions as it may deem necessary and expedient for the purposes of this Act.

4. 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 any such order shall be final and binding.

Power to remove difficulties.

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

Act to supplement other laws.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the States and Union Territories for implementing the provisions of this Act.

Central Government to provide funds.

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

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

These days environmental pollution is the hot topic of debates on television channels, newspapers, magazines and other fora. The National Capital and National Capital Region (NCR) have been dubbed as one of the most polluted in the globe. The Judiciary has declared that we are living in the gas chamber. In an effort to meet the twin objectives of limiting vehicular pollution and curbing road congestion Delhi Government wants to promote cycling by giving subsidy for bicycle purchases. But unfortunately Delhi's urban culture refuses to recognize the bicycle as a mode of transport. This is mainly because there is lack of cycle readiness of the capital and NCR roads. There are only a few dedicated lanes for cycling and even they are not fit for cycling for various reasons. The streets are also dangerous for cyclists because buses and cars do not respect their rights. Cycles are not given way on main roads and they are often at risk when attempting to evade the heavy flow of traffic. This kind of situation prevails not only in the National Capital and NCR but throughout the country.

This situation exist despite the fact that our country is the second largest bicycle producing country in the world after China and this 1.5 billion dollar industry produced nearly 15.5 million bicycles in 2012-13 that is 10 percent of the total bicycles manufactured globally and employed about one million people. But despite these figures cycling as an alternative mode of urban transport has not really taken off in our country. Around half a century ago almost 60 percent of road trips in the National Capital involved bicycles but today experts reckon they constitute at best 4 percent of the city's commuters.

However, it is not the case everywhere. Some cities across the globe have made it easier to ride bicycles. Ten famous cities of the globe which have bicycle lanes, dedicated bicycle only paths and drivers who are generally more than willing to share the road are Copenhagen and Amsterdam in Demark; Utrecht and Eindhoven in Netherlands; Strasbourg, Nantes and Bordeaux in France; Malmo in Sweden; Antwerp in Belgium and Seville in Spain. Germany has recently become the first nation in the globe to start cycle highways with all the necessary facilities. There are separate lanes, each lane is 13 feet wide with provision to overtake. There are no red lights along the highways and bicycle rider can ride at high speed as he desires.

The success of odd and even car number formula in the National Capital has again proved that where there is a will there is a way. Promoting cycling to contain environmental pollution is also possible for which several steps are needed to be undertaken.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 provides for subsidy, allowance and tax exceptions for promotion of cycling.

Clause 6 of the Bill makes it mandatory for the Central Government to provide adequate funds to the States and Union Territories for implementing the provisions of the Bill. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this juncture but it is estimated that a sum of rupees one lakh crore may be involved as recurring expenditure per annum.

A sum of rupees two lakh crore may also be involved as non recurring expenditure for creation of assets throughout the country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

BILL NO. IX 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 com-
mencement.

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

(2) It shall come into force at once.

Amendment
of Article 343.
National lan-
guage of the
Union.

2. For article 343 of the Constitution, the following shall be substituted, namely:—

"343. The national language of the Union shall be Hindi in Devanagari script."

Amendment
of Article 348.

3. In article 348 of the constitution, in clause (1),—

"(i) in Sub-clause (a), after the words all the proceedings in the Supreme Court and in every High Court the words shall be both in Hindi and English be inserted.

(ii) for sub-clause (b), the following shall be substituted, namely:—

"(b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the Hindi language.

STATEMENT OF OBJECTS AND REASONS

In the British period, in order to establish their sway over India and for their administrative convenience, British imposed English on the people of India. This is nothing short of an irony that even after sixty-nine years of independence linguistically we continue with that colonial mindset. After independence, our constitution makers had expressed the mass sentiment towards Hindi through the Constitution. Keeping the linguistic diversity in mind, an arrangement was made for using English for official purposes for the next 15 years. Alongside, in the Constitution, President was entrusted with the power to constitute Official Language Commission to resolve the language related issues and promotion of Hindi. Thereafter, commission was constituted, committees were formed with umpteen numbers of reports and several orders were issued and attempts to implement the provisions of Official Language Commission were made. But, eventually, the expected results could not be achieved. Activities being undertaken in this Official Language remain a mere formality and no concrete effect can be seen on the ground. Due to government policies, English evolved rapidly as official language whereas the Hindi, the language of the masses remained neglected.

It is unfortunate that English remains the primary language for judicial, parliamentary and other administrative functions. Even today, we are not in a position to preserve and promote our rich language. Whereas, the language of all the rich countries are continuously flourishing and we are backtracking in the level of our own language. Hindi is the only language that can unite this diverse nation in one strand. The utmost need of the hour is to initiate the rise and evolution of as a rich language as Hindi. It is necessary to take a concrete initiative in this direction so that Hindi language can get its due respect. To attain this we cannot get expected results only from the Constitutional Commission and Official Language Commission, but what we need today is to entrust the status of national language upon Hindi and make a way for its evolution.

Hence the Bill.

VIVEK GUPTA

VI**BILL NO.X 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.

(2) It shall come into force at once.

2. In article 246 of the Constitution,—

(i) clause (2) shall be omitted.

(ii) for clause (3), the following shall be substituted, namely:—

"(3) Subject to clause (1), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List")."

Short title
and com-
mencement.
Amendment
of article 246.

Substitution of new article for article 248.

3. For article 248 of the Constitution, the following shall be substituted, namely,—

"248. (1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in that List."

Substitution of new article for article 254.

4. For article 254 of the Constitution, the following shall be substituted, namely,—

"254. If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, then, the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void."

Amendment of the Seventh Schedule.

5. In the Seventh Schedule to the Constitution,—

(i) for entries in List I—Union List, the following shall be substituted, namely:—

“1. Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation.

2. Naval, military and air forces; any other armed forces of the Union.

3. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment.

4. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

5. Naval, military and air force works.

6. Arms, firearms, ammunition and explosives excluding civil use.

7. Atomic energy and mineral resources necessary for its production.

8. Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.

9. Central Bureau of Intelligence and Investigation.

10. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.

11. Foreign affairs; all matters which bring the Union into relation with any foreign country.

12. Diplomatic, consular and trade representation.

13. United Nations Organisation.

14. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

15. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

16. War and peace.

17. Foreign jurisdiction.

18. Citizenship, naturalisation and aliens.
19. Extradition.
20. Admission into, and emigration and expulsion from, India; passports and visas.
21. Pilgrimages to places outside India.
22. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or the high seas or in the air.
23. Transport for carriage of goods and persons by Highways, Shipping and navigation on inland waterways or Railways declared by or under law made by Parliament to be national highways, waterways or railways respectively in mechanically propelled vehicles.
24. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.
25. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.
26. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.
27. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.
28. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.
29. Posts and telegraphs; telephones; wireless, broadcasting and other like forms of communication.
30. Property of the Union and the revenue therefrom, but as regards property situated in a State subject to legislation by the State, save in so far as Parliament by law otherwise provides.
31. Courts of wards for the estates of Rulers of Indian States.
32. Public debt of the Union.
33. Currency, coinage and legal tender; foreign exchange.
34. Foreign loans.
35. Reserve Bank of India.
36. Post Office Savings Bank.
37. Trade and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers.
38. Inter-State trade and commerce.
39. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including co-operative societies.

40. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.
41. Banking.
42. Bills of exchange, cheques, promissory notes and other like instruments.
43. Stock exchanges and futures markets.
44. Patents, inventions and designs; copyright; trade-marks and merchandise marks.
45. Establishment of standards of weight and measure.
46. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.
47. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.
48. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.
49. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
50. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
51. Fishing and fisheries beyond territorial waters.
52. Sanctioning of cinematograph films for exhibition.
53. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.
54. The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the Delhi University; the University established in pursuance of article 371E; any other institution declared by Parliament by law to be an institution of national importance.
55. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.
56. Ancient and historical monuments and records, and archaeological sites and remains, declared by or under law made by Parliament to be of national importance.
57. The Survey of India, the Geological, Botanical, Zoological and Anthropological Surveys of India; Meteorological organisations.
58. Census.
59. Union Public Service; All-India Services; Union Public Service Commission.

60. Union pensions, that is to say, pensions payable by the Government of India or out of the Consolidated Fund of India.

61. Elections to Parliament, to the Legislatures of States and to the offices of President and Vice-President; the Election Commission.

62. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker and Deputy Speaker of the House of the People.

63. Powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament.

64. Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the Ministers for the Union; the salaries, allowances, and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

65. Audit of the accounts of the Union and of the States.

66. Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein; persons entitled to practise before the Supreme Court.

67. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

68. Inter-State migration; inter-State quarantine.

69. Taxes on income other than agricultural income.

70. Duties of customs including export duties.

71. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

72. Taxes other than stamp duties on transactions in stock exchanges and futures markets.

73. Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

74. Taxes on the sale or purchase of newspapers and on advertisements published therein.

75. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce.

76. Taxes on the consignments of goods (whether the consignment is to the person making it or to any other persons), where such consignment takes place in the course of inter-State trade or commerce.

77. Bankruptcy and insolvency

78. Actionable Wrongs

79. Relief and rehabilitation of persons displaced from their original place of residence by reasons of setting up of the Dominion of India and Pakistan.

80. Prevention of the extension from one State to another of infectious or contagious disease or pests affecting men, animals or plants.

81. Price Control.

82. Newspapers, books and printing presses.

83. Gas and gas-works.

84. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power excluding state specific laws not contrary to the Central Law.

85. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution excluding state specific laws not contrary to the Central Law.

86. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention excluding state specific laws not contrary to the Central Law.

87. Trust and Trustees.

88. Administrators-general and official trustees.

89. Evidence and oaths, recognition of laws, public acts and records, and judicial proceedings.

90. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.

91. Commercial and industrial monopolies, combines and trusts.

92. Charities and charitable institutions, charitable and religious endowments and religious institutions.

93. Recovery in a State of claims in respect of taxes and other public demands, including arrears of land-revenue and sums recoverable as such arrears, arising outside that State.

94. Offences against laws with respect to any of the matters in this List.

95. Inquires, surveys and statistics for the purpose of any of the matters in this List.

96. Fees in respect of any of the matters in this List, but not including fees taken in any court.

97. Any other matter not enumerated in List II including any tax not mentioned in that List.

(ii) for entries in List II-State List, the following shall be substituted namely:—

1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).

2. Police (including railway and village police) subject to the provisions of List I.

3. Officers and servants of the High Court, procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.

5. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, districts boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

6. Public health and sanitation, hospitals and dispensaries.

7. Pilgrimages, other than pilgrimages to places outside India.

8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

9. Relief of the disabled and unemployable.

10. Burials and burial grounds; cremations and cremation grounds.

11. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

12. Communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I with regard to such waterways; vehicles other than mechanically propelled vehicles.

13. Transport Services by Railways (excluding projects of national character).

14. Agriculture, including agricultural education and research, protection against pest and prevention of plant diseases.

15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.

16. Pounds and the prevention of cattle trespass.

17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of List I.

18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonisation.

19. Fisheries within territories.

20. Courts of wards subject to the provisions of List I; encumbered and attached estates.

21. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.

22. Industries subject to the provisions of List I.

23. Trade and commerce within the State subject to the provisions of List I.

24. Production, supply and distribution of goods subject to the provisions of List I.

25. Markets and fairs.

26. Money-lending and money-lenders; relief of agricultural indebtedness.
27. Inns and inn-keepers.
28. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.
29. Theatres and dramatic performances; cinemas subject to the provisions of List I; sports, entertainments and amusements.
30. Betting and gambling.
31. Works, lands and buildings vested in or in the possession of the State.
32. Election to the Legislature of the State subject to the provisions of any law made by Parliament.
33. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislature Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof.
34. Power, privileges and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative Council, of that Council and of the members and the committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.
35. Salaries and allowances of Ministers for the State.
36. State public services; State Public Service Commission.
37. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.
38. Public debt of the State.
39. Treasure trove.
40. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.
41. Taxes on agricultural income.
42. Duties in respect of succession to agricultural land.
43. Estate duty in respect of agricultural land.
44. Taxes on lands and buildings.
45. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—
 - (a) alcoholic liquors for human consumption;
 - (b) opium, Indian hems and other narcotic drugs and narcotics, but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.
46. Taxes on the consumption or sale of electricity.
47. Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of List I.

48. Taxes on advertisements other than advertisements published in the newspapers and advertisements broadcast by radio or television.
49. Taxes on goods and passengers carried by road or on inland waterways excluding those nationally taxed.
50. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of List I.
51. Taxes on animals and boats.
52. Tolls (If State funded).
53. Taxes on professions, trades, callings and employments.
54. Capitation taxes.
55. Taxes on luxuries, including taxes on entertainments, amusements etc.
56. Rates of stamp duty in respect of documents other than those specified in the provision of List 1 with regard to rates of stamp duty.
57. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
58. Fees in respect of any of the matters in this List, but not including fees taken in any court.
59. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.
60. Transfer of property other than agricultural land; registration of deeds and documents.
61. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
62. Contempt of court, but not including contempt of the Supreme Court.
63. Vagrancy; nomadic and migratory tribes.
64. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient.
65. Prevention of cruelty to animals.
66. Forests. (Excluding declared national status)
67. Protection of wild animals and birds. (excluding declared national status)
68. Adulteration of foodstuffs and other goods.
69. Drugs and poisons
70. Economic and social planning of the state.
71. Population control and family planning.
72. Trade unions; industrial and labour disputes.
73. Social security and social insurance; employment and unemployment.
74. Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits excluding measures sanctioned by the Union.

75. Education, including technical education, medical education and universities, subject to the provisions of List I; vocational and technical training of labour subject to minimum national criterion.

76. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power excluding central laws not contrary to the State Law.

77. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution excluding central laws not contrary to the State Law.

78. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention excluding central laws not contrary to the State Law.

79. Legal, medical and other professions.

80. Vital statistics including registration of births and deaths.

81. Ports other than those declared by or under law made by Parliament or existing law to be major ports.

82. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.

83. Trade and commerce in, and the production, supply and distribution of,—

(a) the products of any industry except where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;

(b) foodstuffs, including edible oilseeds and oils;

(c) cattle fodder, including oil cakes and other concentrates;

(d) raw cotton, whether ginned or unginned, and cotton seeds; and

(e) raw jute.

84. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.

85. Inquiries and statistics except for the purposes of any of the matters specified in List I.

86. Fees in respect of any of the matters in this List, but not including fees taken in any court.

87. Factories

88. Boilers.

89. Electricity.

90. Corporation tax.

91. Offences against laws with respect to the any of the matters in this List.”

(iii) List III—Concurrent list shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Federalism has been part of the public discourse in India for many decades, before and after independence in 1947, but it has gained greater importance since the 1990s when the country's national polity saw and advent of the coalition era.

The emergence of regional parties in India has led to a targeted growth ensuring social security measures to the residents of this respective States. In a maturing democracy, the core components of nation building lies with solutions that pertain to a local population rather than a nation-wide policy. Thus, working on the idea of cooperative federalism entails the transfer of power so as to empower the Union with matters of national and internal security measures, upliftment of Fundamental Rights and fulfilment of national interest while the State Governments provide for the provisions of facilities and utilities required for economic and social growth.

Mahatma Gandhi also favored the decentralised structure and preferred a panchayat/village based federation. In India, there are two governments in existence, the Union Government and the State Government. The two governments are not subordinate to each other rather cooperate with each other while working independently. Though the Indian constitution has the traits of being a federal constitution, but in its strict sense, it is not. The presence of features which are necessary for existence of a federation is an unique aspect of Indian Constitution but on the other side, there are provisions which give more power to the Union Government *vis-a-vis* State governments. Hence, the Indian Constitutional structure is a quasi-federal structure and it was made like this in the 1935 Act. This Act laid down the foundations of federal form of government, in India. It provided for the distribution of legislative power between the Union and the provinces, the structure at that time. A well designed, and more important, well-functioning system of federal governance, by virtue of its manifold benefits, plays a key role in promoting the stability and prosperity of nations as the heights attained in development by the leading federations of the world—USA, Canada, Australia and Switzerland—demonstrate.

Former Chief Justice Beg, in *State of Rajasthan versus Union of India*, 1977 called the Constitution of India as 'amphibian'. He said that "... if then our Constitution creates a Central Government which is 'amphibian', in the sense that it can move either on the federal or on the unitary plane, according to the needs of the situation and circumstances of a case...".

Similarly in *S.R. Bommai versus Union of India*, "pragmatic federalism" was used. Quoting Justice Ahmadi, "...It would thus seem that the Indian Constitution has, in it, not only features of a pragmatic federalism which, while distributing legislative powers and indicating the spheres of governmental powers of State and Central Governments, is overlaid by strong unitary features...".

In a truly federal Constitution, there is no need for a concurrent sphere of legislative powers and now, the time has come for a complete and mutually exclusive division of power between the Union and State Governments.

Hence this Bill.

VIVEK GUPTA

VII**BILL NO.V OF 2016***A Bill further to amend the Companies Act, 2013*

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the companies (Amendment) 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.

Amendment
of section
135 of Act
No. 18 of
2013.

2. In section 135 of the Companies Act, 2013,

(i) in sub-section (3), after clause (c), the following clause shall be inserted, namely:—

“(d) Undertake the responsibility to include the process of Social Impact Assessment study in such manner as may be prescribed, for evaluating the performance of the Corporate Social Responsibility Policy of the company and submit a Social Impact Assessment Report undertaken by a third party of its findings to the Board every financial year.”

(ii) in sub-section (4), after clause (b), the following clause shall be inserted, namely:—

“(c) after taking into account the findings forwarded by the Corporate Social Responsibility Committee, analyze the Social Impact Assessment Report for the company and disclose the findings of this report in its Annual Report and also make it available for the general public including placing it on the company's website, if any, in such a manner as may be prescribed”.

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

Power to make
Rules.

STATEMENT OF OBJECTS AND REASONS

Social impact assessment (SIA) presents an important opportunity to draw cross-cultural encounters arising from project-based development efforts into wider procedures of engagement and negotiation that might address the imbalance in relationships between local communities, project proponents and Government. Social impact assessment helps organizations to plan better, to implement more effectively and successfully bring initiatives to scale.

Inter-organizational Committee on Principles and Guidelines for Social Impact Assessment IOCPGSIA (2003:231) defines social impacts as "the consequences to human populations of any public or private actions that alter the ways in which people live, work, play relate to one another, organize to meet their needs, and generally cope as members of society. The term also includes cultural impacts involving changes to the norms, values, and beliefs that guide and rationalize their cognition of themselves and their society." Social Impacts are both positive and negative.

Social impact assessment is not only necessary but critical. The social sector's commitment is to serve its constituents and, while their lives cannot be measured in outputs and outcomes, they are ultimately the purpose that the work should be assessed. Social Impact Assessment as a process and as a methodology has the potential to contribute greatly to the planning process of impact sector initiatives taken by the Corporate Social Responsibility, giving it more accountability.

Social Impact Assessments are instrumental in ensuring that corporates create a positive impact in the community, and information gathered as part of Social Impact Assessment exercise can be a vital interest to organizations conducting business or development projects in India. The long-term benefits of conducting Social Impact Assessment outweigh their initial costs, as positive relations with the community can lead to increased business productivity and recognition.

Hence, this Bill.

AVINASH PANDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

SHUMSHER K. SHERIFF,
Secretary-General.