

2<sup>nd</sup> January, 2023

## Bills Introduced or Passed in Parliament in the Winter Session, 2022

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**Bill No. 215 of 2022**

**THE MULTI-STATE CO-OPERATIVE SOCIETIES (AMENDMENT)  
BILL, 2022**

A

**BILL**

*further to amend the Multi-State Co-operative Societies Act, 2002.*

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

1. (1) This Act may be called the Multi-State Co-operative Societies (Amendment) Act, 2022. Short title and commencement.

5 (2) 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 any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

39 of 2002. 2. In section 3 of the Multi-State Co-operative Societies Act, 2002 (hereinafter referred to as the principal Act),— Amendment of section 3.

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

‘(aa) “Authority” means the Co-operative Election Authority established under sub-section (1) of section 45;’;

(ii) in clause (d), for the words, brackets and figures “under sub-section (1) of section 4”, the words, brackets, letters and figures “as per clause (f) of article 243ZH of the Constitution read with sub-section (1) of section 4” shall be substituted;

(iii) after clause (f), the following clause shall be inserted, namely:—

‘(fa) “Co-operative Ombudsman” means the Ombudsman appointed by the Central Government under section 85A;’;

(iv) in clause (i), for the words “co-operative year”, the words “co-operative year or financial year” shall be substituted;

(v) in clause (s), after the words “Official Gazette”, the words ‘and the expression “notified” with its cognate meanings and grammatical variations shall be construed accordingly’ shall be inserted.

Amendment  
of section 7.

**3.** In section 7 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) Without prejudice to the provisions of sub-section (1), the Central Registrar may register a multi-State co-operative society if the aggregate value of the paid-up capital and provision of reserves along with liquidity, exposure and other prudential norms specified in the bye-laws of the proposed multi-State co-operative society in the business of thrift and credit are in accordance with such guidelines as may be prescribed:

Provided that the multi-State co-operative societies registered before the commencement of the Multi-State Co-operative Societies (Amendment) Act, 2022 shall meet such norms within a period of five years from the date of commencement of the said Act:

Provided further that if the liquidity, exposure, prudential and other parameters of the multi-State credit society do not meet such norms within the period mentioned above, the Central Registrar shall have powers to issue such directions as it deems appropriate to such society to take relevant action:

Provided also that in the case of multi-State co-operative bank, the aggregate value of the paid-up capital and provision of reserves along with liquidity norms provided in the bye-laws shall be such as may be laid down by the Reserve Bank from time to time.

(3) The application for registration shall be disposed of by the Central Registrar within a period of three months from the date of receipt of such application by him:

Provided that the Central Registrar may, for rectification of mistakes, if any, in the application, extend the period of three months with such further period, for reasons to be recorded in writing, not exceeding two months on the request of the applicant.

(4) Where the Central Registrar refuses to register a multi-State co-operative society, he shall communicate the order of such refusal stating therein the reasons for such refusal, to the applicant within the period specified in sub-section (3):

Provided that no order of refusal shall be made, unless the applicant has been given an opportunity of being heard:

Provided further that if the application for registration is not disposed of within the period specified in sub-section (3) or the Central Registrar fails to communicate the order of refusal within the said period, the application shall be deemed to have been accepted for registration and the Central Registrar shall issue the registration certificate in accordance with the provisions of this Act and the rules made thereunder.”.

Amendment  
of section 10.

**4.** In section 10 of the principal Act, in sub-section (2), in clause (a), for the word “address”, the words and brackets “address (including e-mail address)” shall be substituted.

5. In section 14 of the principal Act— Amendment of section 14.
- (i) for the marginal heading “Change of address”, the marginal heading “Address” shall be substituted;
- (ii) for the word “address”, the words “address, including e-mail address,” shall be substituted.
6. In section 17 of the principal Act, after sub-section (9), the following sub-section shall be inserted, namely:— Amendment of section 17.
- “(10) Any co-operative society may, by a resolution passed by majority of not less than two-thirds of the members present and voting at a general meeting of such society, decide to merge into an existing multi-State co-operative society:
- Provided that such resolution shall be subject to the provisions of the respective State Co-operative Societies Act for the time being in force under which such co-operative society is registered.”.
7. In section 19 of the principal Act, in the *Explanation*, in clause (a), — Amendment of section 19.
- (i) in sub-clause (ii), the word “or” occurring at the end shall be omitted;
- (ii) sub-clause (iii) shall be omitted.
8. In section 22 of the principal Act, in sub-section (5), for clause (c), the following clause shall be substituted, namely:— Amendment of section 22.
- “(c) the co-operative society shall be deemed to have been de-registered under the law relating to such co-operative society for the time being in force in that State, from the date of the certificate as issued by the Central Registrar and forwarded to such co-operative society, along with a copy of the registered amendment under sub-section (3).”.
9. In section 26 of the principal Act,— Amendment of section 26.
- (i) in the proviso, the words “be entitled to subscribe the shares of such society or” shall be omitted;
- (ii) after the proviso, the following provisos shall be inserted, namely:—
- “Provided further that nominal or associate member can be issued non-voting shares which may not confer any interest in the management of the multi-State co-operative society including right to vote, to be elected as a director of the board or participate in the general body meetings:
- Provided also that in case of multi-State co-operative bank, such shares shall be issued in accordance with the instructions issued by the Reserve Bank from time to time.”.
10. In section 28 of the principal Act, for the words “to the society in respect of membership,” the words “of all dues to the multi-State co-operative society including the payment in respect of membership or has availed such minimum level of product or services as specified in the bye-laws,” shall be substituted. Amendment of section 28.
11. In section 29 of the principal Act, for clause (b), the following clause shall be substituted, namely:— Amendment of section 29.
- “(b) he fails to use the minimum level of the products or services as specified in the bye-laws for two consecutive years; or”.
12. In section 30 of the principal Act, in sub-section (2), for the words “one year”, the words “three years” shall be substituted. Amendment of section 30.

Substitution of new section for section 35.	<p><b>13.</b> For section 35 of the principal Act, the following section shall be substituted, namely:—</p> <p>“35. (1) The shares of the authorities referred to in clauses (c) and (d) of sub-section (1) of section 25, held in multi-State co-operative societies,—</p> <p style="padding-left: 40px;">(a) shall not be redeemed without the prior approval of such authorities; and</p> <p style="padding-left: 40px;">(b) may be redeemed in such manner as may be agreed upon between the multi-State co-operative society and such authorities.</p> <p style="padding-left: 40px;">(2) The shares held in a multi-State co-operative society by any of the authorities referred to in clauses (e) to (g) of sub-section (1) of section 25, shall be redeemed in accordance with the bye-laws of such multi-State co-operative society and in case, where the bye-laws do not contain any provision, in such manner as may be agreed upon between the multi-State co-operative society and such authorities.</p> <p style="padding-left: 40px;">(3) The redemption of shares referred to in sub-sections (1) and (2), shall be on the face value of shares.”.</p>	5 10 15
Amendment of section 39.	<p><b>14.</b> In section 39 of the principal Act, in sub-section (1), after clause (o), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">“(p) appointment of auditor.”.</p>	15
Amendment of section 41.	<p><b>15.</b> In section 41 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—</p> <p style="padding-left: 40px;">‘(3) The board shall consist of such number of directors not exceeding twenty-one, as may be specified by the bye-laws, out of which one Member shall be Scheduled Caste or Scheduled Tribe and two shall be women in the board of multi-State co-operative society consisting of individuals and having members from such class or category of persons:</p> <p style="padding-left: 80px;">Provided that the board may co-opt as Members of the board having experience in the field of banking, management, co-operative management and finance or specialisation in any other field relating to the objects and activities undertaken by such multi-State co-operative society:</p> <p style="padding-left: 80px;">Provided further that the number of such co-opted Members shall not exceed two in addition to twenty-one directors specified in this sub-section.</p> <p style="padding-left: 40px;">(4) The co-opted directors referred to in sub-section (3) shall not have the right to vote in any election of the office bearers or be eligible to be elected as office bearers of the board.</p> <p style="padding-left: 40px;">(5) The functional directors in a multi-State co-operative society shall also be the members of the board and such directors shall be excluded for the purpose of counting the total number of directors specified in sub-section (3).</p> <p style="padding-left: 40px;">(6) No director of a multi-State co-operative society shall, as a director, be present in the discussion of, or vote on, any contract or arrangement entered into, or to be entered into, by or on behalf of such society, if he or his relative is directly or indirectly concerned or interested in such contract or arrangement and no relative of any of the sitting directors of the multi-State co-operative society shall be recruited as employee including the Chief Executive of that society.</p> <p style="padding-left: 40px;"><i>Explanation.</i>—For the purposes of this sub-section, the term “relative” with reference to an individual, includes—</p> <p style="padding-left: 80px;">(a) spouse;</p> <p style="padding-left: 80px;">(b) father (including step father);</p>	20 25 30 35 40 45

- (c) mother (including step mother);  
 (d) son (including step son);  
 (e) son's wife;  
 (f) daughter (including step daughter);  
 5 (g) daughter's husband;  
 (h) father's father;  
 (i) father's mother;  
 (j) mother's father;  
 (k) mother's mother;  
 10 (l) son's son;  
 (m) son's son's wife;  
 (n) son's daughter;  
 (o) son's daughter's husband;  
 (p) daughter's son;  
 15 (q) daughter's son's wife;  
 (r) daughter's daughter;  
 (s) daughter's daughter's husband;  
 (t) brother (including step brother);  
 (u) brother's wife;  
 20 (v) sister (including step sister);  
 (w) sister's husband; and  
 (x) Hindu undivided family.

(7) Any director of the board who violates the provision of sub-section (6), shall be disqualified for being a member of the board and deemed to have vacated his office from the date of such meeting of the board as is referred to in the said sub-section and such proceedings shall be deemed to be void.'

**16.** In section 43 of the principal Act,—

Amendment  
of section 43.

(i) in sub-section (I),—

(a) in clause (a), after the words “to be insolvent”, the words “or has been a director of an insolvent company” shall be inserted;

(b) in clause (h), after the words “under this Act”, the words “or under any other Act specified in the Third Schedule” shall be inserted;

(c) after clause (n), the following clause shall be inserted, namely:—

“(o) has been disqualified under sub-section (7) of section 41.”;

(ii) after sub-section (I), the following sub-section shall be inserted, namely:—

“(IA) A member who has been a director of the board of any multi-State co-operative society or co-operative bank, where such board has been superseded, shall not be eligible to be elected as director of the board of another multi-State co-operative society or co-operative bank for a period of five years, from the date of such supersession:

Provided that no member shall be declared ineligible under this sub-section unless an opportunity of being heard has been given to such member by the Central Registrar and declaration for ineligibility shall be made only after ascertaining that the member concerned has been responsible by acts of omission or commission leading to such supersession.”;

(iii) in sub-section (2),—

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

“(a) to provide information, documents, personnel, funds or expenses or any other assistance as required by the Co-operative Election Authority for conducting elections under this Act in such manner as may be prescribed;”;

(b) in clause (c), for the words “general meeting” occurring at the end, the words “general meeting; or” shall be substituted;

(c) after clause (c), the following clauses shall be inserted, namely:—

“(d) to make contribution to the co-operative education fund referred to in clause (b) of sub-section (1) of section 63 or the Co-operative Rehabilitation, Reconstruction and Development Fund established under section 63A; or

(e) to file annual return specified in section 120 within the time specified therein; or

(f) to get the audit of the society conducted within six months of the close of the financial year to which such account relate:

Provided that before taking any action under this sub-section, he shall be given an opportunity of being heard by the Central Registrar.”.

Substitution of new sections for section 45.

**17.** For section 45 of the principal Act, the following sections shall be substituted, namely:—

Establishment of Co-operative Election Authority.

‘45. (1) The Central Government shall, by notification, establish an Authority to be known as the Co-operative Election Authority which shall consist of a Chairperson, a Vice-Chairperson and Members not exceeding three to be appointed by the Central Government on the recommendation of the Selection Committee consisting of such persons as may be prescribed.

(2) The head office of the Authority shall be at such place as may be notified by the Central Government.

(3) A person shall not be qualified for appointment as a,—

(i) Chairperson of the Authority unless he held the post of Additional Secretary to the Government of India or equivalent rank;

(ii) Vice-Chairperson of the Authority unless he held the post of Joint Secretary to the Government of India or equivalent rank; and

(iii) Member unless he fulfils such qualification and experience as may be prescribed.

(4) The Chairperson, Vice-Chairperson or Member of the Authority shall hold office for a period of three years from the date on which they enter upon their office or until they attain the age of sixty-five years, whichever is earlier and they shall be eligible for re-appointment:

Provided that in case of appointment of a Government servant as the Chairperson, Vice-Chairperson or a Member, he shall be treated as an *ex officio* Member and he shall continue so long as he holds the office by virtue of which he is a Chairperson, Vice-Chairperson or Member.

(5) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Authority, other than the *ex officio* Member, shall be such as may be prescribed.

45A. The Chairperson of the Authority shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such other powers and functions as may be prescribed.

Power of  
Chairperson.

5 45B. (1) The Central Government may, by order, remove from office the Chairperson, Vice-Chairperson or Member of the Authority, other than *ex officio* Member, if the Chairperson, Vice-Chairperson or Member of the Authority, as the case may be, if he—

Removal and  
suspension of  
Chairperson,  
Vice-  
Chairperson  
and Members.

(a) has been adjudged as an insolvent;

10 (b) has been convicted of an offence which, in the opinion of the Central Government involves moral turpitude;

(c) has been physically or mentally incapable of acting as a Chairperson, Vice-Chairperson or Member of the Authority;

15 (d) has acquired such financial or other interests, as is likely to affect prejudicially his function as a Chairperson, Vice-Chairperson or Member of the Authority;

(e) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

20 (f) has engaged at any time during his term of office in any other employment.

(2) The Chairperson, Vice-Chairperson or Member of the Authority shall not be removed from his office except by an order of the Central Government on the ground of his proved misbehaviour or incapacity after the Central Government has, on an inquiry, held in accordance with the procedure prescribed in this behalf by it, come to the conclusion that the Chairperson, Vice-Chairperson or Member of the Authority ought on any such ground to be removed.

30 (3) The Central Government may suspend the Chairperson, Vice-Chairperson or Member of the Authority in respect of whom an inquiry under sub-section (2) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

45C. (1) Before appointing any person as Chairperson, Vice-Chairperson or Member of the Authority, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson, Vice-Chairperson or Member.

Disclosure and  
declaration of  
interest.

35 (2) The Chairperson, Vice-Chairperson or Members of the Authority shall immediately after entering office and every year thereafter, make a declaration as to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any co-operative society.

40 (3) The declaration so made under sub-section (2) shall be placed in the public domain by the Authority.

45 45D. The Chairperson, Vice-Chairperson or Members of the Authority, other than *ex officio* Members, may, by notice in writing of not less than thirty days under their hand addressed to the Central Government, resign their office and on such resignation being accepted by that Government, shall be deemed to have vacated their office:

Resignation of  
Members.

50 Provided that the Chairperson, Vice-Chairperson or Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

Filling of casual vacancy.	45E. If a casual vacancy occurs in the office of the Chairperson, Vice-Chairperson or Member of the Authority, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making a fresh appointment in accordance with the provisions of section 45 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, Vice-Chairperson or Member of the Authority, as the case may be, in whose place he is so appointed.	5
Restriction of re-employment.	45F. The Chairperson, Vice-Chairperson and Member of the Authority, on ceasing to hold office shall not, for a period of two years, accept any employment (including as consultant or otherwise) in any co-operative society:  Provided that nothing contained in this section shall apply to any employment under the Central Government or in any State Government or any Corporation established by or under any Central or State Act or a Government Company as defined under clause (45) of section 2 of the Companies Act, 2013.	10  18 of 2013.
Vacancies, etc., not to invalidate proceedings of Authority.	45G. No act or proceeding of the Authority shall be invalid merely by reason of—  (a) any vacancy in, or any defect in the constitution of, the Authority;  (b) any defect in the appointment of a person as Chairperson or Member of the Authority; or  (c) any irregularity in the procedure of the Authority not affecting the merits of the case.	15     20
Meetings of Authority.	45H. (1) The Authority shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings), as may be prescribed.  (2) The Chairperson of the Authority shall preside at the meeting of the Authority and if for any reason the Chairperson of the Authority is unable to attend a meeting of the Authority, the Vice-Chairperson of the Authority shall preside at the meeting.  (3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and, in the event of an equality of votes, the Chairperson or the Vice-Chairperson of the Authority presiding shall have the right to exercise a second or casting vote.  (4) Save as otherwise provided in sub-section (3), every Member shall have one vote.	25   30
Functions of Authority.	45-I. The Authority shall discharge the following functions, namely:—  (i) conduct the elections of the multi-State co-operative society;  (ii) supervise, direct and control the matters relating to preparation of electoral rolls; and  (iii) such other functions as may be prescribed.	35
Elections of Members of board.	45J. (1) No person shall be eligible to be elected as a member of the board or office bearer of a multi-State co-operative society, unless he is an active member of the general body of that society.  <i>Explanation.</i> —For the purposes of this sub-section, the term “active member” means any member—  (i) availing minimum level of products or services of the society; or  (ii) attending not less than three consecutive general meetings,  as specified in section 29.	40     45

(2) A member of the board or office bearer of a multi-State co-operative society shall cease to be such member or office bearer, if he ceases to be a member of general body of that society.

5 (3) The election of members of board shall be held by secret ballot in such manner as may be prescribed.

(4) The election of the members of the board shall be held in the general meeting of the members of the multi-State co-operative society and the elected members of the board shall, if the bye-laws of such society permit, be eligible for re-election.

10 (5) The term of office of elected members of the board and its office bearers shall be five years from the date of election and the term of office bearers shall be co-terminus with the term of the board:

15 Provided that the board may fill casual vacancies upto one-third of number of elected directors on the board by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of office of the board is less than half of its original term:

Provided further that in case the number of such casual vacancies in the same term of the board exceeds one-third of number of elected directors, such vacancies shall be filled by elections.

20 (6) The expenses for holding elections by the Authority shall be borne by the multi-State co-operative society in such manner as may be prescribed.

(7) The Central Government may make rules to provide for the powers and the procedure to be followed by the Authority for conduct of election of members of the board.

25 (8) The Chairperson and the Chief Executive of the multi-State co-operative society shall inform the Authority, six months before the expiry of the term of the existing board, to conduct the elections within time.

(9) The society in respect of which the election is being held shall provide such infrastructure, personnel, information, documents or other assistance to the Authority as it may require.

30 45K. (1) The Authority may appoint a Returning Officer to conduct the election of the multi-State co-operative societies and discharge such functions, as directed by the Authority, in such manner as may be prescribed.

Appointment of Returning Officer and other officers.

35 (2) The Central Government shall provide such staff and officers to the Authority as may be necessary for the efficient discharge of functions by the Authority under the Act.

(3) The Authority may appoint,—

(a) such observers as it may consider necessary to supervise the elections and discharge such other functions as may be prescribed; and

40 (b) such number of Assistant Returning Officers as it may consider necessary to assist the Returning Officer.

45L. The Authority may, by general or special order, issue such directions to the board, its members, Chief Executive and other staff of the society as may be necessary for the conduct of free and fair elections and the board, its members, Chief Executive and staff of the society shall comply with such directions.’.

Power to issue directions.

45 **18.** In section 49 of the principal Act, in sub-section (2),—

Amendment of section 49.

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

“(aa) to elect the Chairperson and Vice-Chairperson or President and Vice-President of the multi-State co-operative society from amongst the elected members of the board in accordance with the directions of the Authority:

Provided that the certificate of election shall be issued by the Chief Executive of the multi-State co-operative society after conclusion of resolution by the board;”;

(ii) in clause (e), the following proviso shall be inserted, namely:—

“Provided that the recruitment of such employees shall be subject to such procedure as may be prescribed.”. 5

Amendment  
of section 50.

**19.** In section 50 of the principal Act,—

(a) in sub-section (1), the following provisos shall be inserted, namely:—

“Provided that where such Chairperson or President fails to direct the Chief Executive to convene the meeting of the board within the quarter, such Chief Executive shall convene the meeting on the basis of requisition of the Vice-Chairperson or Vice-President or any other Member of the board: 10

Provided further that notwithstanding anything contained in the first proviso, the Chief Executive may also convene the meeting on the basis of requisition from at least fifty per cent. of Members of the board; 15

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The Chairperson or President, if for any reason, is unable to attend a meeting of the board, the Vice-Chairperson or Vice-President and in the absence of both, any other Member of the board chosen by the Members of the board present from amongst themselves at the meeting, shall preside over the meeting. 20

(4) The quorum for a meeting of the board of directors of a multi-State co-operative society shall be one-third of its total number of elected directors.”.

Amendment  
of section 51.

**20.** In section 51 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— 25

‘(1A) No multi-State co-operative society shall appoint or continue the employment of any person as the Chief Executive who—

(a) is below the age of twenty-one years or has attained the age of seventy years;

Provided that any person above the age of seventy years may be appointed by a special resolution passed by three-fourths of the board members, in which case the explanatory statement annexed to the notice for such motion shall indicate the justification for appointing such person; 30

(b) is an undischarged insolvent or has any time been adjudged as an insolvent; 35

(c) has at any time been convicted by a court of an offence and sentenced for a period of more than six months; or

(d) does not meet the criteria for “fit and proper”, as determined by the Central Registrar in case of multi-State credit societies; or in case of non-credit multi-State societies, does not meet the criteria as the Central Government may prescribe in terms of educational qualifications and relevant experience.’. 40

Amendment  
of section 52.

**21.** In section 52 of the principal Act, in clause (j), for the words “thirty days”, the words “forty-five days” shall be substituted.

Amendment  
of section 53.

**22.** In section 53 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— 45

“(1) The board may constitute an Executive Committee, and such other committees or sub-committees as may be specified in the bye-laws of the multi-State co-operative society:

Provided that the board shall constitute—

(a) an Audit and Ethics Committee;

(b) a Committee on prevention of sexual harassment at work place.”.

23. In section 63 of the principal Act, in sub-section (I), for clause (b), the following  
5 clause shall be substituted, namely:— Amendment  
of section 63.

“(b) credit annually one per cent. of net profit to co-operative education fund to  
be maintained by the Central Government in such manner as may be prescribed and  
the proceeds from such fund shall be used for Co-operative Education and Training  
through the National Co-operative Union of India and any other agency in such  
10 manner as may be determined by the Central Government;”.

24. After section 63 of the principal Act, the following sections shall be inserted,  
namely:— Insertion of  
new sections  
63A, 63B and  
63C.

‘63A. (1) The Central Government shall establish a Fund, to be called the  
Co-operative Rehabilitation, Reconstruction and Development Fund for revival of  
15 sick multi-State co-operative societies as referred to in section 63B and for development  
purposes in such manner as may be determined by it and there shall be credited to  
such Fund annually by multi-State co-operative societies which are in profit for the  
preceding three financial years one crore rupees or one per cent. of the net profits of  
such multi-State co-operative society, whichever is less. Establishment  
of Co-  
operative  
Rehabilitation,  
Reconstruction  
and  
Development  
Fund.

20 (2) The Central Government shall, by notification, constitute a Committee,  
consisting of such members as it may deem fit, to administer the Fund, and maintain  
separate accounts and other relevant records in relation to the Fund in such form as  
may be specified by the Central Government in consultation with the Comptroller and  
Auditor-General of India.

25 (3) The Committee shall spend the money out of the Fund for carrying out the  
objects for which such Fund has been established.

63B. (1) If, at any time, the Central Registrar, is of the opinion that a multi-State  
co-operative society has become sick, he may, by an order, declare such society as  
sick co-operative society. Rehabilitation  
and  
reconstruction  
of sick  
societies.

30 (2) Where a multi-State co-operative society is declared as a sick co-operative  
society under sub-section (1), the Central Government or any person or agency  
authorised by it, may prepare a scheme for rehabilitation and reconstruction of the  
society and hand it over to the society for approval of the general body.

35 (3) The Central Government may, on the recommendation of the general body  
and to give effect to the scheme for rehabilitation and reconstruction referred to in  
sub-section (2), re-organise the board of such society with such persons, having  
experience in the field of co-operation, management, finance, accountancy and any  
other area relating to such societies as may be recommended by the general body:

40 Provided that in respect of a sick multi-State co-operative bank, any scheme for  
rehabilitation or reconstruction shall be done with the prior approval of the Reserve  
Bank.

45 *Explanation.*—For the purposes of this section, the expression “sick  
co-operative society” means a multi-State co-operative society being a society  
registered under the provisions of this Act which has at the end of any financial year  
accumulated losses equal to or exceeding total of its paid-up capital, free reserves  
and surpluses and has also suffered cash losses in such financial year and the financial  
year immediately preceding such financial year.

Financial assistance to multi-State co-operative societies for development.

63C. (1) The Central Government may, on an application made by a multi-State co-operative society which has contributed to the Fund for continuous five preceding financial years, grant such financial assistance as it may consider appropriate to the society out of the Fund for infrastructural requirement:

Provided that at least fifty per cent. of the total requirement shall be borne by the multi-State co-operative society and the financial assistance from the Fund shall not exceed more than the fifty per cent. of such requirement. 5

(2) The Committee constituted under sub-section (2) of section 63A shall examine and recommend to the Central Government for providing the financial assistance to the multi-State co-operative society to such extent and on such terms and conditions as it may consider necessary. 10

Amendment of section 64.

25. In section 64 of the principal Act,—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) in any of the securities issued by the Central Government, State Government, Government Corporations, Government Companies, Authorities, Public Sector Undertakings or any other securities ensured by Government guarantees;”;

(ii) in clause (d), after the words “any other institution”, the words “in the same line of business as the multi-State co-operative society” shall be inserted;

(iii) for clauses (e) and (f), the following clauses shall be substituted, namely:— 20

“(e) with any other scheduled or nationalised bank.

*Explanation.*—For the purposes of this clause, the expression,—

(i) “scheduled bank” shall have the same meaning as assigned to it in clause (e) of section 2 of the Reserve Bank of India Act, 1934; and 2 of 1934.

(ii) “nationalised bank” means a corresponding new bank constituted under sub-section (1) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980; or 5 of 1970. 40 of 1980.

(f) in such other manner as may be determined by the Central Government.”. 30

Amendment of section 67.

26. In section 67 of the principal Act, in sub-section (1), in the first proviso, for the words “ten times”, the words “such multiples as may be determined by the Central Government” shall be substituted.

Amendment of section 70.

27. In section 70 of the principal Act,—

(a) in sub-section (2), for the proviso, the following provisos shall be substituted, namely:— 35

“Provided that such auditors or auditing firm shall be appointed from a panel approved by the Central Registrar:

Provided further that in case of multi-State co-operative banks, multi-State credit societies with deposits of above five hundred crore rupees and multi-State non-credit societies with turnover of above five hundred crore rupees, the auditor shall be appointed from a panel of auditors approved for audit of such societies by the Central Registrar.”; 40

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) An auditor appointed under sub-section (2) shall submit the audit of accounts report to the multi-State co-operative society, within six 45

months from the date of closing of the financial year, to which such accounts relate.”;

(c) in sub-section (7), in clause (a), for the proviso, the following proviso shall be substituted, namely:—

5 “Provided that where such vacancy is caused by the resignation or death of an auditor, the vacancy shall be filled by the board from the panel of auditors from which such auditor was appointed.”;

(d) after sub-section (9) and the *Explanation* thereunder, the following sub-section shall be inserted, namely:—

10 “(10) The audit report of the accounts of the national co-operative societies shall be laid before each House of Parliament.”.

28. After section 70 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 70A.

“70A. In case of multi-State co-operative societies,—

Concurrent Audit.

15 (i) having an annual turnover more than the amount as determined by the Central Government; or

(ii) having deposit of more than the amount as determined by the Central Government,

20 the concurrent audit shall be carried out by an auditor appointed from a panel of auditors approved by the Central Registrar.”.

29. In section 73 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

Amendment of section 73.

25 “(6) the multi-State co-operative society or class of multi-State co-operative societies, as the case may be, shall adopt such standards of auditing and accounting as may be determined by the Central Government:

38 of 1949. Provided that until such standards of auditing and accounting are specified, the auditing and accounting standards specified by the Institute of Chartered Accountants of India constituted by sub-section (1) of section 3 of the Chartered Accountants Act, 1949 shall be deemed to be the standards of auditing and accounting:

30 Provided further that the multi-State co-operative banks shall adopt the standards of accounting and auditing, if any, laid down by the Reserve Bank.”.

30. In section 78 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

Amendment of section 78.

35 “(1A) If the Central Registrar is satisfied on the basis of information available with him or furnished to him by a Government agency, that the business of a multi-State co-operative society is being carried on for a fraudulent or unlawful purpose, he may, after informing the multi-State co-operative society of the allegations made against it, by a written order, call on the multi-State co-operative society to furnish in writing any information or explanation, with the endorsement of the board of the society, on matters contained in such order within the time specified therein:

40 Provided that if the Central Registrar is not satisfied with the explanation of the society, he shall either himself or through an office or agency authorised by him, conduct inquiry into the constitution, working and financial condition of the society.

45 (1B) Notwithstanding anything contained in this Act, the Central Registrar shall, either *suo moto* or through an officer or agency authorised by him, conduct inquiry into the constitution, working and financial condition of any multi-State co-operative society, once in such period as may be determined by the Central Government.”.

Insertion of  
new Chapter  
IXA.

**31.** After Chapter IX of the principal Act, the following chapter shall be inserted, namely:—

“CHAPTER IXA

REDRESSAL OF COMPLAINTS

Co-operative  
Ombudsman.

85A. (1) The Central Government shall appoint, one or more Co-operative Ombudsman with territorial jurisdiction for inquiring into the complaints made by any member of the multi-State co-operative societies regarding their deposits, equitable benefits of society’s functioning or any other issue affecting the individual rights of the concerned member, in such manner, as may be prescribed. 5

(2) The Co-operative Ombudsman shall, on receipt of a complaint, complete the process of inquiry and adjudicate within a period of three months from the date of receipt of the complaint and may issue necessary directions to the society during the course of inquiry and the society shall be bound to comply with the same within a period of one month from the date of issuance of such directions. 10

(3) The multi-State co-operative society aggrieved by any directions of the Ombudsman may file an appeal in such manner as may be prescribed, within a period of one month before the Central Registrar who shall decide the appeal within a period of forty-five days and the decision of the Central Registrar shall be final and binding: 15

Provided that the Central Registrar may entertain the appeal after the expiry of said period of one month, if he is satisfied that the society was prevented by sufficient cause from preferring the appeal in time. 20

(4) The Ombudsman shall submit periodic reports to the Central Registrar of Co-operative Societies.

(5) The Co-operative Ombudsman while conducting the inquiry under sub-section (1), shall exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908,— 25

5 of 1908.

(a) for summoning and enforcing the attendance of persons;

(b) examining them on oath;

(c) discovery and production of books of account and other documents; and

(d) any other matter which may be prescribed.”. 30

Amendment  
of section 86.

**32.** In section 86 of the principal Act,—

(a) in sub-section (1), after the words and figures “under section 79”, the words and figures “or section 108” shall be inserted;

(b) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:— 35

“(a) where the number of members or the number of societies or the number of persons, as the case may be, has at any time reduced below the number of members or societies or persons as specified in sub-section (2) of section 6:

Provided that the multi-state society shall be given six months time to restore the number of members or societies or persons to the requisite number;”; 40

(ii) in clause (b), for the words “co-operative principles.”, the words “co-operative principles; or” shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely:—

“(c) where the Central Registrar has reasons to believe that the registration was obtained by misrepresentation of facts, submission of false or misleading information, suppression of material facts or fraud thereby compromising the spirit of co-operation.”.

(c) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Notwithstanding anything contained in this section, in case of winding up of multi-State co-operative banks, the provisions of the Banking Regulation Act, 1949 shall also apply.”.

(d) in sub-section (6), the following shall be inserted, namely:—

‘Provided that prior to winding up, “no objection” from the institutional lenders, who have outstanding loans from the society, shall be required in writing.

*Explanation.*—For the purposes of this proviso, the expression "institutional lenders" includes banks, savings and loan association, trust company, insurance company, real estate investment trust, pension fund and the like.’.

**33.** In section 94 of the principal Act, in the opening paragraph, after the words and figures "section 83 or", the words and figures "section 84 or" shall be inserted. Amendment of section 94.

**34.** In section 98 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 98.

"(3) The Central Registrar shall also have the power to recover the following dues by attaching bank accounts of defaulting multi-State co-operative societies—

(a) the co-operative education fund referred to in clause (b) of sub-section (1) of section 63;

(b) the Co-operative Rehabilitation, Reconstruction and Development Fund established under section 63A; and

(c) the expenses incurred by the Co-operative Election Authority for conduct of elections.”.

**35.** After section 98 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 98A.

"98A. The Central Registrar may, on an application received from any party, review his decision under clause (a) or clause (b) or clause (c) of sub-section (1) of section 94:

Provided that no application for review shall be entertained against the recovery certificate issued by the Central Registrar or by any person authorised by him in writing in this behalf, unless the applicant deposits with the concerned society, fifty per cent. of the amount of the recoverable dues:

Provided further that no application for review shall be entertained, if made after sixty days of the date of receipt of the decision or order:

Provided also that the Central Registrar may entertain any such application made after such period, if the applicant satisfies that he had sufficient cause for not making the application within such period.”.

**36.** In section 103 of the principal Act, in sub-section (1), the following provisos shall be inserted, namely:— Amendment of section 103.

"Provided that where all the successor States take necessary steps to divide or reorganise such deemed multi-State co-operative society into State co-operative

societies in order to confine their objects, services and the members to respective States within a period of three years, such deemed multi-State co-operative society shall cease to be a multi-State co-operative society:

Provided further that the deemed multi-State co-operative society other than those mentioned in the first proviso shall submit an application for registration and obtain the certificate of registration from the Central Registrar." 5

Amendment of section 104.

37. In section 104 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "furnishing false information", the words "or failing to file any return or information" shall be inserted; 10

(ii) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(iii) for the words "ten thousand rupees", the words "one lakh rupees" shall be substituted;

(b) in sub-section (2), for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted; 15

(c) in sub-section (3),—

(i) after the word and figures "section 89", the words and figures "or to a person required to file return under section 120" shall be inserted;

(ii) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted; 20

(iii) for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;

(d) in sub-section (4),—

(i) in clause (h), after the words "to any person", the words "or receives such gift, promise or gratification" shall be inserted; 25

(ii) in the long line, occurring after sub-clause (iii) of clause (h), after the words "or with both", the words "and shall also be debarred from contesting elections for a period of three years" shall be inserted;

(e) after sub-section (4), the following sub-sections shall be inserted, namely:— 30

"(5) Where a multi-State co-operative society,—

(a) which is required to provide an explanation or make a statement during the course of inspection, inquiry or investigation, destroys, mutilates or falsifies, or conceals or tampers or unauthorisedly removes, or causes the destruction, mutilation or falsification or concealment or tampering or unauthorised removal of, any document relating to the property, assets or affairs of the society or makes or causes to make a false entry in any document concerning the society; 35

(b) makes any investment in contravention of the provision of section 64 or the bye-laws made under this Act; 40

(c) causes unlawful loss to the assets and property of the society; or

(d) causes unlawful loss to the depositor,

the board of directors or the responsible officers of the multi-State co-operative society shall be punishable with imprisonment for a term which shall not be less

than one month but which may extend to one year or with fine which shall not be less than five thousand rupees but may extend to one lakh rupees or with both.

5 (6) Where the board of directors or officers of the multi-State co-operative society receive any unlawful gains while transacting matters related to such society or utilise any assets of the society for personal unlawful gains, such directors or officers concerned shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to one year or with fine which shall not be less than five thousand rupees but may extend to 10 one lakh rupees or with both and the proceeds of such unlawful gains shall be recovered from them and deposited in such manner as may be prescribed."

38. After section 105 of the principal Act, the following section shall be inserted, namely:—

15 "105A. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force."

39. For section 106 of the principal Act, the following sections shall be substituted, namely:—

20 "106. (1) Every multi-State co-operative society shall appoint a Co-operative Information Officer to provide the information relating to affairs and management of the society to the members of the society and such information shall be confined to the information falling under the disclosure norms specified by the society in its bye-laws.

25 (2) Any member of multi-State co-operative society shall make an application, accompanying such fee as may be prescribed, to get information specified in sub-section (1).

(3) The Co-operative Information Officer shall, within thirty days from the date of receipt of application, either provide the information or reject the application specifying the reason to do so.

30 (4) Any member of the multi-State co-operative society whose application has been rejected may prefer an appeal to the Co-operative Ombudsman within a period of one month from the date of such rejection and his decision shall be final and binding.

35 106A. Every Chief Executive of multi-State co-operative society shall keep a copy of the rules and its bye-laws and also a list of its members, open to inspection free of charge at all reasonable times, at the registered address of the multi-State co-operative society."

40. In section 108 of the principal Act, in sub-section (1), in clause (i), after the words "Central Registrar" the words "or any person authorised by him in this behalf, not below the rank of Assistant Commissioner or equivalent" shall be inserted.

41. In section 116 of the principal Act,—

40 (i) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Power to amend Schedules";

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

45 "(1A) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the First Schedule and the Third Schedule

and thereupon such Schedules shall be deemed to have been amended accordingly:

Provided that in case of the First Schedule, such notification shall be used only for adding to the co-operative principles in the list.;"

(iii) in sub-section (2), for the word, brackets and figure "sub-section (I)", the words, brackets, figures and letter "sub-sections (I) and (IA)" shall be substituted.

Amendment of section 120.

**42.** In section 120 of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) annual report of the activities including details of board decisions which were not unanimous;"

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

"(f) disclosure regarding employees who are relatives of Members of board;

(g) declaration of any related party transactions by the board of directors; and

(h) any other information required by the Central Registrar in pursuance of any of the provisions of this Act or the rules made thereunder."

Insertion of new sections 120A and 120B.

**43.** After section 120 of the principal Act, the following sections shall be inserted, namely:—

"120A. (I) Notwithstanding anything to the contrary contained in this Act, and without prejudice to the provisions of the Information Technology Act, 2000, the Central Government may, from such date as may be notified, require that—

(a) such applications, returns, reports, statement of accounts, or any other particulars or document as may be required to be filed or delivered under this Act or the rules made thereunder, shall be filed in the electronic form and authenticated;

(b) such document, notice, any communication or intimation, as may be required to be served or delivered under this Act, shall be served or delivered in the electronic form and authenticated;

(c) such applications, returns, reports, statement of accounts, registers, bye-laws or any other particulars or documents and returns filed under this Act or the rules made thereunder shall be maintained by the Central Registrar in the electronic form and registered or authenticated, as the case may be;

(d) such inspection of bye-laws, returns, reports, statement of accounts or any other particulars or documents maintained in the electronic form, as is otherwise available for inspection under this Act or the rules made thereunder, may be made by any person through the electronic form; and

(e) such fees, charges or other sums payable under this Act or the rules made thereunder shall be paid through the electronic form,

in such manner as may be prescribed.

(2) The Central Registrar shall—

(a) issue certificate of registration;

(b) register the amendment of bye-laws;

(c) register change of registered office;

Filing of applications, documents, inspections, etc., in electronic form.

(d) register any document;

(e) issue any certificate;

(f) issue notice; and

(g) receive such communication as may be required to be registered or issued or recorded or received, as the case may be,

under this Act or the rules made thereunder or perform duties or discharge functions or exercise powers under this Act or the rules made thereunder or do any act which is by this Act directed to be performed or discharged or exercised or done by the Central Registrar, in the electronic form in such manner as may be prescribed.

120B. The provisions of this Act shall apply to a multi-State co-operative society in respect of matters relating to incorporation, regulation and winding up:

Provided that in case of a multi-State co-operative society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 shall also apply.”.

Application of  
Banking  
Regulation  
Act, 1949.

44. In section 121 of the principal Act,—

(i) in sub-section (1), for the words and figures "the Companies Act, 1956" and "the Monopoly and Restrictive Trade Practices Act, 1969", the words and figures "the Companies Act, 2013" and "the Competition Act, 2002" shall respectively be substituted;

(ii) in sub-section (2), for the words and figures “monopolistic and restrictive trade practices as defined in the Monopolies and Restrictive Trade Practices Act, 1969”, the words and figures “monopoly activities as referred to in the Competition Act, 2002” shall be substituted.

Amendment of  
section 121.

45. In section 123 of the principal Act,—

(i) in sub-section (1),—

(a) for the portion beginning with "or has committed any act" and ending with "the aggregate period does not exceed one year", the following shall be substituted, namely:—

"or has committed any act including fraud, misappropriation and the like which is prejudicial to the interests of the society or its members, or has omitted or failed to comply with any directions given to it under section 122 in public interest or that there is a stalemate in the constitution or functions of the board or the Co-operative Election Authority has failed to conduct elections in accordance with the provisions of this Act, the Central Government may, after giving the board an opportunity to state its objections, if any, and considering the objections, if received, by order in writing, supersede or suspend the board and appoint one or more administrators, who need not be members of the society, to manage the affairs of the society for such period not exceeding six months, as may be specified in the order:";

(b) for the proviso, the following proviso shall be substituted, namely:—

"Provided that while taking a decision for supersession or suspension on grounds of failure to conduct election, such action shall only be taken if the Board had not given requisition to hold election to the Co-operative Election Authority within the time limit or not extended necessary assistance as per the provisions of section 45.”;

(ii) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation*.—For the purposes of section 122 and this section, the expression “specified multi-State co-operative society” means any multi-State co-operative society where there is Government shareholding or loan or financial assistance or any guarantee by the Government.’.

Amendment of  
section 123.

**46.** In section 124 of the principal Act,—

(a) in sub-section (2),—

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

"(aa) the guidelines under sub-section (2) of section 7;";

(ii) after clause (j), the following clause shall be inserted, namely:— 5

"(ja) the manner in which the board of a multi-State co-operative society shall provide information, documents, personnel, funds or expenses or any other assistance as sought by the Co-operative Election Authority for conducting elections under clause (a) of sub-section (2) of section 43;"; 10

(iii) for clause (k), the following clauses shall be substituted, namely:—

"(k) the composition of the Selection Committee for appointment of Chairperson, Vice-Chairperson and Members of the Co-operative Election Authority under sub-section (1) of section 45;

(ka) the qualification and experience for appointment of Member of the Authority under clause (iii) of sub-section (3) of section 45; 15

(kb) the salaries and allowances payable to, and other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Authority under sub-section (5) of section 45;

(kc) the other powers and functions of Chairperson under section 45A; 20

(kd) the procedure of inquiry under sub-section (2) of section 45B;

(ke) time, places and the procedure to be observed by the Authority in regard to transaction of business at its meetings under sub-section (1) of section 45H; 25

(kf) other functions of the Authority under clause (iii) of section 45-I;

(kg) the manner of election of members of board by secret ballot under sub-section (3) of section 45J;

(kh) the manner of bearing the expenses for holding elections by the Authority under sub-section (6) of section 45J; 30

(ki) the manner of discharge of functions by the Returning Officers and observers under sub-section (1) and clause (a) of sub-section (3) of section 45K;

(kj) other functions of the observers under clause (a) of sub-section (3) of section 45K;"; 35

(iv) after clause (m), the following clause shall be inserted, namely:—

"(ma) the procedure for recruitment of employees under proviso to clause (e) of sub-section (2) of section 49;";

(v) clause (o) shall be omitted; 40

(vi) after clause (q), the following clause shall be inserted, namely:—

"(qa) the manner of maintenance of fund under clause (b) of sub-section (1) of section 63;";

(vii) after clause (s), the following clauses shall be inserted, namely:—

"(sa) the manner of appointment of Co-operative Ombudsman and submission of complaints to such Ombudsman under sub-section (1) of section 85A; 45

(*sb*) the manner of filing an appeal by society against directions of Ombudsman under sub-section (3) of section 85A;

(*sc*) other matters under clause (d) of sub-section (5) of section 85A;";

5 (*viii*) after clause (w), the following clauses shall be inserted, namely:—

"(*wa*) the manner of recovery and deposit of proceeds of unlawful gains under sub-section (6) of section 104;

(*wb*) the manner to make an application with such fee for the purpose of getting information under sub-section (2) of section 106;";

10 (*ix*) after clause (x), the following clauses shall be inserted, namely:—

"(*xa*) the manner of powers being exercised by the Central Government in respect of matters relating to filing of applications, documents, inspections and the like in electronic form and fee payable to under sub-section (1) of section 120A;

15 (*xb*) the manner of discharging the functions or exercising powers with respect to matters mentioned therein by the Central Registrar in electronic form under sub-section (2) of section 120A;";

(*b*) for sub-section (3), the following sub-section shall be substituted, namely:—

20 "(3) Every rule made under this section and any notification issued under section 116 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 that the rules and any notification issued under section 116 should not be made, the rule and any notification issued under section 116 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 and any notification issued under section 116."

30 **47.** In section 125 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 125.

35 "(1A) Notwithstanding anything contained in sub-section (1), if any difficulty arises in giving effect to the provisions of this Act as amended by the Multi-State Co-operative Societies (Amendment) Act, 2022, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of the Multi-State Co-operative Societies (Amendment) Act, 2022."

40 **48.** After the Second Schedule to the principal Act, the following Schedule shall be inserted, namely:—

Insertion of Third Schedule.

#### “THE THIRD SCHEDULE

[See sections 43 (1)(h) and 116 (1A)]

Sl. No.	Name of the Act	Act Number
45 1.	The Indian Stamp Act, 1899.	2 of 1899.
2.	The Reserve Bank of India Act, 1934.	2 of 1934.
3.	The Central Excise Act, 1944.	1 of 1944.

4.	The Industries (Development and Regulation) Act, 1951.	65 of 1951.	
5.	The Prevention of Food Adulteration Act, 1954.	37 of 1954.	
6.	The Essential Commodities Act, 1955.	10 of 1955.	
7.	The Securities Contracts (Regulation) Act, 1956.	42 of 1956.	
8.	The Wealth-Tax Act, 1957.	27 of 1957.	5
9.	The Customs Act, 1962.	52 of 1962.	
10.	The Prize Chits and Money Circulation Schemes (Banning) Act, 1978.	43 of 1978.	
11.	The Sick Industrial Companies (Special Provisions) Act, 1985.	1 of 1986.	
12.	The Securities and Exchange Board of India Act, 1992.	15 of 1992.	
13.	The Foreign Trade (Development and Regulation) Act, 1992.	22 of 1992.	10
14.	The Foreign Exchange Management Act, 1999.	42 of 1999.	
15.	The Competition Act, 2002.	12 of 2003.	
16.	The Prevention of Money-Laundering Act, 2002.	15 of 2003.	
17.	The Companies Act, 2013.	18 of 2013.”.	

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## STATEMENT OF OBJECTS AND REASONS

The Multi-State Co-operative Societies Act, 2002 (the Act) was enacted to consolidate and amend the law relating to co-operative societies, with objects not confined to one State and serving the interests of members in more than one State, to facilitate the voluntary formation and democratic functioning of co-operatives as people's institutions based on self-help and mutual aid and to enable them to promote their economic and social betterment and to provide functional autonomy and for matters connected therewith or incidental thereto.

2. Part IXB was inserted in the Constitution, *vide* the Constitution (Ninety-seventh Amendment) Act, 2011. In view of insertion of the said Part, it has become imperative to amend the Act. Further, developments over the years also necessitated required changes in the Act so as to strengthen the co-operative movement in the multi-State co-operative societies. Therefore, it is proposed to amend the Act.

3. The Multi-State Co-operative Societies (Amendment) Bill, 2022, *inter alia*, provides for the following, namely:—

- (i) to amend section 41 of the Act so as to reform the composition of board of a multi-State co-operative society;
- (ii) to substitute section 45 of the Act so as to establish an Authority to be known as the "Co-operative Election Authority" which shall consist of a Chairperson, a Vice-Chairperson and members not exceeding three to be appointed by the Central Government. The said Authority is proposed to be established with a view to bring electoral reforms in co-operative sector;
- (iii) to insert a new section 63A relating to "establishment of the Co-operative Rehabilitation, Reconstruction and Development Fund" for revival of "sick multi-State co-operative societies";
- (iv) to insert a new section 70A relating to "concurrent audit" for multi-State co-operative societies having an annual turnover or deposit of more than the amount as determined by the Central Government;
- (v) to insert a new Chapter IXA relating to "redressal of complaints" and for this purpose, the Central Government may appoint one or more "Co-operative Ombudsman" with a territorial jurisdiction for inquiring into the complaints made by the members;
- (vi) to amend section 104 of the Act so as to increase the monetary penalties on multi-State co-operative societies for contravention of the provisions of the Act and the rules made thereunder;
- (vii) to substitute section 106 of the Act relating to "appointment of Co-operative Information Officer" to provide information relating to affairs and management of the multi-State co-operative society to the members of such society; and
- (viii) to insert a new section 120A relating to "Filing of applications, documents, returns, statements, statement of accounts in electronic form".

4. The Bill seeks to achieve the above objectives.

AMIT SHAH.

NEW DELHI;  
The 24th November, 2022.

*Notes on Clauses*

*Clause 1.*—This clause relates to "Short title and commencement" of the proposed legislation.

*Clause 2.*—This clause seeks to amend section 3 of the Multi-State Co-operative Societies Act, 2002 (the Act) to define the expressions "Authority", "Co-operative Ombudsman" and to amend the definition of "Co-operative Registrar".

*Clause 3.*—This clause seeks to amend section 7 of the Act to provide for registration of multi-State co-operative society in the business of thrift and credit with such modifications and prescribed guidelines as may be necessary to bring them in conformity with the provisions of the Act.

*Clause 4.*—This clause seeks to amend section 10 of the Act to include electronic mail address in the address of the society.

*Clause 5.*—This clause seeks to amend section 14 of the Act to include electronic mail address to bring them in conformity with section 10 of the Act.

*Clause 6.*—This clause seeks to amend section 17 of the Act to make provisions for voluntary merger of State level co-operative societies with multi-State co-operative societies with a resolution by not less than two-thirds of majority of members.

*Clause 7.*—This clause seeks to amend section 19 of the Act to omit clause (iii) of the *Explanation* to sub-section (2) of the said section.

*Clause 8.*— This clause seeks to amend section 22 of the Act relating to Conversion of a co-operative society into a multi-State co-operative society.

*Clause 9.*—This clause seeks to amend section 26 of the Act to provide for non-voting shares to be issued to nominal or associate members for allowing multi-State co-operative societies to raise capital and in case of multi-State co-operative bank, such shares shall be issued in accordance with the instructions issued by the Reserve Bank from time to time.

*Clause 10.*—This clause seeks to amend section 28 of the Act to provide that the members shall not exercise his rights unless he has made payment in respect of all dues to the society including the payment in respect of membership or availed minimum level of products or services as may be specified in the bye-laws.

*Clause 11.*—This clause seeks to amend section 29 of the Act to provide that failure to avail the minimum level of products or services made available by the society as specified in its bye-laws may render a person ineligible for being a member of the society.

*Clause 12.*—This clause seeks to amend section 30 of the Act to extend the time period from one to three years as may be specified in the bye-laws from the date of expulsion of the member for being eligible for re-admission as member.

*Clause 13.*—This clause seeks to amend section 35 of the Act to provide that the Government shareholding wouldn't be redeemed without prior approval of the Government. However, such redemption shall be on the face value of shares.

*Clause 14.*—This clause seeks to amend section 39 to insert a new clause therein relating to "appointment of auditor".

*Clause 15.*—This clause seeks to amend section 41 of the Act to specify the field of expertise for the co-opted directors and to provide reservation of seat for the Scheduled Castes and the Scheduled Tribes and women in the board of the society. The proposed amendment is to bring them in conformity with article 243ZJ of the Constitution.

*Clause 16.*—This clause seeks to amend section 43 of the Act to provide grounds for disqualification of Members of the board of multi-State co-operative society.

*Clause 17.*—This clause seeks to substitute section 45 of the Act to establish an Authority to be known as the "Co-operative Election Authority" which shall consist of a Chairperson, a Vice-Chairperson and members not exceeding three to be appointed by the Central Government. The main function of the Authority is to conduct elections of the multi-State co-operative societies. *Vide* this clause, it is also proposed to insert new sections 45A to 45L.

*Clause 18.*—This clause seeks to amend section 49 of the Act to empower the board to elect the President and Vice-President of the society from amongst the elected or nominated members of the board and a Certificate of election shall be issued by the Chief Executive of the multi-State co-operative society after the conclusion of resolution of the Board. It is also proposed that the recruitment of employees of the multi-State co-operative society shall be subject to the rules to be made in this behalf.

*Clause 19.*—This clause seeks to amend section 50 of the Act to provide for convening of meeting of the board by the Chief Executive on the basis of requisition of the Vice-Chairperson or Vice-President or any other Member of the board.

*Clause 20.*—This clause seeks to amend section 51 of the Act to provide the criteria for appointment of Chief Executive in multi-State co-operative societies.

*Clause 21.*—This clause seeks to amend section 52 of the Act to extend the period for presentation of the draft Annual Report and Financial Statement for the approval of Board from "thirty" to "forty-five" days.

*Clause 22.*—This clause seeks to amend section 53 of the Act to empower the board to constitute executive committee and other committees or sub-committees.

*Clause 23.*—This clause seeks to amend section 63 of the Act to provide that Co-operative Education Fund be maintained by the Central Government and proceeds be used for Co-operative Education and Training through National Co-operative Union of India and any other agency as determined by the Central Government.

*Clause 24.*—This clause seeks to insert new section 63A to provide for establishment of Co-operative Rehabilitation and Reconstruction Fund.

*Clause 25.*—This clause seeks to amend section 64 of the Act to include other avenues of investment where a multi-State co-operative society can invest.

*Clause 26.*—This clause seeks to amend section 67 of the Act to provide that the limit on any multi-State co-operative society during any financial year be changed from "ten times" to "such multiples as determined" of the sum of subscribed share capital and accumulated reserves minus losses.

*Clause 27.*—This clause seeks to amend section 70 of the Act to provide for panel of auditors from multi-State co-operative banks, multi-State credit co-operative societies and other multi-State co-operative societies.

*Clause 28.*—This clause seeks to insert a new section 70A to have concurrent audit for multi-State co-operative societies having an annual turnover or deposit of more than the amount as determined by the Central Government and from a panel of auditors approved by the Central Registrar.

*Clause 29.*—This clause seeks to amend section 73 of the Act to provide for laying down of auditing and accounting standards as determined by the Central Government.

*Clause 30.*—This clause seeks to amend section 78 of the Act to empower the Central Registrar to call from the society any information or explanation and documents.

*Clause 31.*—This clause seeks to insert a new Chapter IXA to deal with the redressal of complaints of the members of multi-State co-operative societies made in the Co-operative Ombudsmen.

*Clause 32.*—This clause seeks to amend section 86 of the Act to provide for winding up of multi-State co-operative societies, after giving an opportunity of being heard, if registration is obtained by misrepresentation, fraud and the like or if the number of members falls short of the specified number, multi-State co-operative societies to be given six months' time to restore the number.

*Clause 33.*—This clause seeks to amend section 94 of the Act to provide orders or decisions issued under section 84 of the Act to be included.

*Clause 34.*—This clause seeks to amend 98 of the Act to provide that in case of default, the contribution to the Co-operative Education Fund, contribution to Co-operative Rehabilitation and Reconstruction Fund and expenses incurred by the Co-operative Election Authority for conduct of elections, shall be recovered by attaching bank accounts of defaulting multi-State co-operative societies.

*Clause 35.*—This clause seeks to insert a new section 98A to review the decision made under clause (a) or clause (b) or clause (c) of sub-section (I) of section 94 by the Central Registrar on an application received from any party.

*Clause 36.*—This clause seeks to amend section 103 of the Act to provide for cessation of the deemed multi-State co-operative society, if all the successor States take necessary steps to divide or reorganise the said multi-State co-operative society into State co-operative society.

*Clause 37.*—This clause seeks to amend section 104 of the Act to increase the amount of penalty for certain offences.

*Clause 38.*—This clause seeks to insert a new section 105A to provide that the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

*Clause 39.*—This clause seeks to amend section 106 of the Act to provide for appointment of Co-operative Information Officer for providing information to the members about the affairs and management of the society.

*Clause 40.*—This clause seeks to amend section 108 of the Act to authorise certain persons by the Central Registrar to inspect the books of account of multi-State co-operative societies.

*Clause 41.*—This clause seeks to amend section 116 of the Act to widen the power of the Central Government to amend Schedules.

*Clause 42.*—This clause seeks to amend section 120 of the Act to provide for inclusion of related party transactions, decisions passed by board which were not unanimous, employees who are relative of member of board, etc.

*Clause 43.*—This clause seeks to insert a new section 120A to provide for filing of applications or documents in electronic form and to insert a new section 120B to provide that the provisions of this Act shall apply to a multi-State co-operative society in respect of matters relating to incorporation, regulation and winding up. Provided that in case of a multi-State co-operative society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 shall also apply.

*Clause 44.*—This clause seeks to amend section 121 of the Act relating to certain Acts not to apply.

*Clause 45.*—This clause seeks to amend section 123 of the Act to specify the criteria for supersession of board and give *Explanation* to the expression "specified multi-State

co-operative societies".

*Clause 46.*—This clause seeks to amend section 124 of the Act relating to "Power to make rules".

*Clause 47.*—This clause seeks to amend section 125 of the Act to provide for necessary provisions for removing the difficulty in giving effect to the provisions of the Multi-State Co-operative Societies (Amendment) Act, 2022.

*Clause 48.*—This clause seeks to insert a new Schedule, namely "the Third Schedule" so as to insert various central Acts under which a person against whom any amount due under a decree, decision or order is pending, shall be liable to be disqualified under section 43.

## FINANCIAL MEMORANDUM

Clause 17 of the Bill provides for establishment of the Co-operative Election Authority which shall conduct elections in Multi-State Co-operative Societies. Sub-clause (5) of clause 17 of the Bill provides for salary and allowances payable to and other terms and conditions of the Chairperson, Vice-Chairperson and Members of the Authority.

2. Clause 31 of the Bill seeks to insert section 85A for appointment of Co-operative Ombudsmen for Multi-State Co-operative Societies by the Central Government to inquire into the grievances of Members. Sub-clause (1) of clause 31 of the Bill provides for the manner of appointment of Co-operative Ombudsman which shall include salary and allowances payable to and other terms and conditions of the functioning of the Co-operative Ombudsman.

3. The Bill, if enacted, would involve an approximate expenditure of five crore ninety-four lakh rupees per annum from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 46 of the Bill proposes to amend sub-section (2) of section 124 of the Multi-State Co-operative Societies Act, 2002. The proposed amendments to sub-section (2) of the said section, *inter alia*, are—(a) the guidelines for registration of a multi-State co-operative society under sub-section (2) of section 7; (b) the manner in which the board of a multi-State co-operative society shall provide information, documents, personnel, funds or expenses or any other assistance as sought by the Co-operative Election Authority for conducting elections under clause (a) of sub-section (2) of section 43; (c) the composition of the Selection Committee and the manner of appointment of Chairperson, Vice-Chairperson and Members of the Co-operative Election Authority under sub-section (1) of section 45; (d) the qualifications and experience for appointment of Member of the Authority under clause (iii) of sub-section (3) of section 45; (e) the salaries and allowances payable to and other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Authority under sub-section (5) of section 45; (f) the other powers and functions of Chairperson under section 45A; (g) the procedure of inquiry under sub-section (2) of section 45B; (h) the time, places and the procedure to be observed by the Authority in regard to transaction of business at its meetings under sub-section (1) of section 45H; (i) the other functions of Authority under clause (iii) of section 45-I; (j) the manner of election of members of board by secret ballot under sub-section (3) of section 45J; (k) the manner of bearing the expenses for holding elections by the Authority under sub-section (6) of section 45J; (l) the manner of discharge of functions by the Returning Officers and observers under sub-section (1) and clause (a) of sub-section (3) of section 45K; (m) the procedure for recruitment of employees under clause (e) of sub-section (2) of section 49; (n) the manner of maintenance of co-operative education fund under clause (b) of sub-section (1) of section 63; (o) the manner of appointment of Co-operative Ombudsman and submission of complaints to such Ombudsman under sub-section (1) of section 85A; (p) the manner of filing an appeal by society against directions of Ombudsman under sub-section (3) of section 85A; (q) the other matters under clause (d) of sub-section (5) of section 85A; (r) the manner of recovery and deposit of proceeds of unlawful gains under sub-section (6) of section 104; (s) the manner to make an application with such fee for the purpose of getting information under sub-section (2) of section 106; (t) the manner of powers being exercised by the Central Government in respect of matters relating to filing of applications, documents, inspections and the like in electronic form under sub-section (1) of section 120A; and (u) the manner of discharging the functions or exercising powers with respect to matters mentioned therein by the Central Registrar in electronic form under sub-section (2) of section 120A.

2. The matters in respect of which the rules may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE MULTI-STATE CO-OPERATIVE SOCIETIES ACT, 2002

(39 OF 2002)

\* \* \* \* \*

Definitions.

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

\* \* \* \* \*

(d) "Central Registrar" means the Central Registrar of Co-operative Societies appointed under sub-section (1) of section 4 and includes any officer empowered to exercise the powers of the Central Registrar under sub-section (2) of that section;

\* \* \* \* \*

(i) "co-operative year", in relation to any multi-State co-operative society or class of such societies, means the year ending on the 31st day of March of the year and where the accounts of such society or class of such societies are, with the previous sanction of the Central Registrar, balanced on any other day, the year ending on such day;

\* \* \* \* \*

(s) "notification" means a notification published in the Official Gazette;

\* \* \* \* \*

Registration.

**7.** (1)\*

\* \* \* \* \*

(2) The application for registration shall be disposed of by the Central Registrar within a period of four months from the date of receipt thereof by him.

(3) Where the Central Registrar refuses to register a multi-State co-operative society, he shall communicate, within a period of four month from the date of receipt of the application for registration, the order of refusal together with the reasons therefor to the applicant or applicants, as the case may be:

Provided that no order of refusal shall be made unless the applicants have been given a reasonable opportunity of being heard:

Provided further that if the application for registration is not disposed of within a period of four months specified in sub-section (2) or the Central Registrar fails to communicate the order of refusal within that period, the application shall be deemed to have been accepted for registration and the Central Registrar shall issue the registration certificate in accordance with the provisions of this Act and the rules made thereunder.

\* \* \* \* \*

Bye-laws of multi-State co-operative societies.

**10.** (1)\*

\* \* \* \* \*

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

(a) the name, address and area of operation of the society;

*	*	*	*	*	
<b>14.</b>	Every multi-State co-operative society shall have a principal place of business and an address registered in the manner prescribed to which all notices and communications may be sent.				Change of address.
*	*	*	*	*	
<b>19.</b>	(1)*				Promotion of subsidiary institution.
	(2) Any subsidiary institution promoted under sub-section (1) shall exist only as long as general body of the multi-State co-operative society deems its existence necessary:				
	Provided that a multi-State co-operative society, while promoting such a subsidiary institution, shall not transfer or assign its substantive part of business or activities undertaken in furtherance of its stated objects.				
	<i>Explanation.</i> —For the purposes of this section,—				
	(a) an institution shall be deemed to be a subsidiary institution if the multi-State co-operative society—				
*	*	*	*	*	
	(ii) holds more than half in nominal value of equity shares of such institutions; or				
	(iii) if one or more members of such multi-State co-operative society, hold whether by themselves or together with subsidiary institution or their relatives, as the case may be, the majority of equity shares in that institution;				
*	*	*	*	*	
<b>22.</b>	(1)*				Conversion of a co-operative society into a multi-State co-operative society.
	(5) (a)*				
	(c) The Registrar of Co-operative Societies referred to in clause (b) shall thereupon make an order directing that the society had, as from the date of registration by the Central Registrar, ceased to be a society under the law relating to co-operative societies in force in that State.				
*	*	*	*	*	
<b>26.</b>	A multi-State co-operative society may, if provided in its bye-laws, admit a person as nominal or associate member:				Nominal or associate member of society.
	Provided that no such nominal or associate member shall be entitled to subscribe the shares of such society or have any interest in the management thereof including right to vote, elect as a director of the board or participate in the general body meetings.				
*	*	*	*	*	
<b>28.</b>	No member of a multi-State co-operative society shall exercise the rights of a member, unless he has made the payment to the society in respect of membership, or has acquired such interest in the society, as may be specified in the bye-laws.				Members not to exercise rights till due payment made.
<b>29.</b>	No person shall be eligible for being a member of a multi-State co-operative society if—				Disqualification for member of a multi-State co-operative society.
*	*	*	*	*	
	(b) he used for two consecutive years the services below the minimum level specified in the bye-laws; or				
*	*	*	*	*	

Expulsion of members.	<p><b>30. (1)*</b> * * * *</p> <p>(2) No member of the multi-State co-operative society who has been expelled under sub-section (1), shall be eligible for re-admission as a member of that society, for a period of one year from the date of such expulsion.</p> <p>* * * *</p>
Redemption of shares.	<p><b>35. (1)</b> Shares held in a multi-State co-operative society by any of the authorities referred to in clauses (c) to (g) of sub-section (1) of section 25 shall be redeemable in accordance with the bye-laws of such multi-State co-operative society and in a case where the bye-laws do not contain any provision in this regard, in such manner as may be agreed upon between the multi-State co-operative society and such authority.</p> <p>(2) The redemption of shares referred to in sub-section (1) shall be on the face value of the shares.</p> <p>* * * *</p>
Board of directors.	<p><b>41. (1)*</b> * * * *</p> <p>(3) The board shall consist of such number of directors as may be specified in the bye-laws:</p> <p>Provided that the maximum number of directors in no case shall exceed twenty-one:</p> <p>Provided further that the board may co-opt two directors in addition to twenty-one directors specified in the first proviso:</p> <p>Provided also that the functional directors in the national co-operative societies shall also be the members of the board and such members shall be excluded for the purpose of counting the total number of directors specified in the first proviso.</p> <p>* * * *</p>
Disqualifications for being a member of board.	<p><b>43. (1)</b> No member of any multi-State co-operative society or nominee of a member, society or a national co-operative society shall be eligible for being chosen as, or for being, a member of the board of such multi-State co-operative society or a national co-operative society, or of any other co-operative society to which the multi-State co-operative society is affiliated, if such member—</p> <p>(a) has been adjudged by a competent court to be insolvent or of unsound mind;</p> <p>* * * *</p> <p>(h) is a person against whom any amount due under a decree, decision or order is pending recovery under this Act;</p> <p>* * * *</p> <p>(2) A person shall not be eligible for being elected as member of board of a multi-State co-operative society for a period of five years if the board of such multi-State co-operative society fails—</p> <p>(a) to conduct elections of the board under section 45; or</p> <p>* * * *</p> <p>(c) to prepare the financial statement and present the same in the annual general meeting.</p> <p>* * * *</p>
Elections of members of board.	<p><b>45. (1)</b> The conduct of elections to the board of a multi-State co-operative society shall be the responsibility of the existing board.</p> <p>(2) The election of members of board shall be held by secret ballot in the manner as may be prescribed.</p>

(3) The election of the members of the board shall be held in the general meeting of the members of the multi-State co-operative society.

(4) The elected members of the board shall, if the bye-laws of such society permit, be eligible for re-election.

(5) The term of office of the elected members of the board shall be such, not exceeding five years from the date of elections, as may be specified in the bye-laws of a multi-State co-operative society:

Provided that elected members shall continue to hold office till their successors are elected or nominated under the provisions of this Act or the rules or bye-laws and assume charge of their office.

(6) Where the board fails to conduct election of the members of board, the Central Registrar shall hold the election within a period of ninety days from the date when such election became due.

(7) No person shall be eligible to be elected as a member of the board of a multi-State co-operative society unless he is a member of the general body of that society.

(8) The expenses for holding election by the Central Registrar shall be borne by the multi-State co-operative society.

(9) The Central Government may make rules generally to provide for or to regulate matters in respect of election of members of the board.

\* \* \* \* \*

**49. (1)\*** \* \* \* \* \*

Powers and functions of board.

(2) Without prejudice to the generality of the foregoing powers, such powers shall include the power—

\* \* \* \* \*

(e) to make provisions for regulating the appointment of employees of the multi-State co-operative society and the scales of pay, allowances and other conditions of service of, including disciplinary action against such employees;

\* \* \* \* \*

**50. (1)** The Chief Executive shall convene the meetings of the board at the instance of the chairperson or president of the multi-State co-operative society.

Meeting of board.

\* \* \* \* \*

(3) The Chairperson, or if for any reason, he is unable to attend a meeting of the board, any other member of the board chosen by the members of the board present from amongst themselves at the meeting, shall preside at the meeting.

\* \* \* \* \*

**52.** The Chief Executive shall under the general superintendence, direction and control of the board, exercise the powers and discharge the functions specified below, namely:—

Powers and functions of Chief Executive.

\* \* \* \* \*

(j) present the draft annual report and financial statement for the approval of the board within thirty days of closure of the financial year;

\* \* \* \* \*

**53. (1)** The board may, subject to such conditions as may be prescribed, constitute an Executive Committee and other committees or sub-committees as may be considered necessary:

Committees of board.

Provided that other committees or sub-committees, other than the Executive Committee shall not exceed three.

\* \* \* \* \*

Disposal of net profits.

**63.** (1) A multi-State co-operative society shall, out of its net profits in any year,—

\* \* \* \* \*

(b) credit one per cent. to co-operative education fund maintained, by the National Co-operative Union of India Limited, New Delhi, in the manner as may be prescribed;

\* \* \* \* \*

Investment of funds.

**64.** A multi-State co-operative society may invest or deposit its funds—

\* \* \* \* \*

(b) in any of the securities specified in section 20 of the Indian Trust Act, 1882; or 2 of 1882.

\* \* \* \* \*

(d) in the shares, securities or assets of a subsidiary institution or any other institution; or

(e) with any other bank; or

(f) in such other mode as may be provided in the bye-laws.

*Explanation.*—For the purposes of clause (e), "bank" means any banking company as defined in clause (c) of section 5 of the Banking regulation Act, 1949, and includes— 10 of 1949.

(i) the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955.

(ii) a subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.

(iii) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980. 5 of 1970.

40 of 1980.

\* \* \* \* \*

Restriction on borrowing.

**67.** (1) A multi-State co-operative society may receive deposits from its voting members raise loans and receive grants from external sources to such extent and under such conditions as may be specified in the bye-laws:

Provided that the total amount of deposits and loans received during any financial year shall not exceed ten times of the sum of subscribed share capital and accumulated reserves:

\* \* \* \* \*

## CHAPTER VIII

### AUDIT, INQUIRY, INSPECTION AND SURCHARGE

Appointment and remuneration of auditors.

**70.** (1)\* \* \* \* \*

(2) Every multi-State co-operative society shall, at each annual general meeting, appoint an auditor or auditors to hold office from the conclusion of that meeting until the conclusion of the next annual general meeting and shall, within seven days of the appointment, give intimation thereof to every auditor so appointed:

Provided that such auditor or auditors may be appointed from a panel of auditors approved by the Central Registrar or from a panel of auditors, if any, prepared by the multi-State co-operative society.

\* \* \* \* \*

(7) (a) The multi-State co-operative society may fill any causal vacancy in the office of an auditor; but while any such vacancy continues, the remaining auditor or auditors, if any, may act:

Provided that where such vacancy is caused by the resignation of an auditor, the vacancy shall only be filled by the multi-State co-operative society in general meeting.

\* \* \* \* \*

CHAPTER X

WINDING UP OF MULTI-STATE CO-OPERATIVE SOCIETY

86. (1) If the Central Registrar, after audit has been conducted under section 70 or special audit has been conducted under section 77 or an inquiry has been held under section 78 or an inspection has been made under section 79, is of opinion that the society ought to be wound up, he may, after giving the society a reasonable opportunity of making its representations by order, direct it to be wound up.

Winding up of multi-State co-operative societies.

(2) The Central Registrar may, of his own motion and after giving the multi-State co-operative society a reasonable opportunity of making its representation, make an order directing the winding up of the multi-State co-operative society,—

(a) where it is a condition of the registration of the society that the society shall consist of at least fifty members and the number of members has been reduced to less than fifty; or

(b) where the multi-State co-operative society has not commenced working within a period of six months of the date of its registration or such extended period as the Central Registrar may allow in this behalf or has ceased to function in accordance with co-operative principles.

\* \* \* \* \*

(5) Notwithstanding anything contained in this section, no co-operative bank shall be wound up except with the previous sanction, in writing of the Reserve Bank.

(6) Notwithstanding anything contained in this section, the Central Registrar shall make an order for the winding up of a multi-State co-operative society, if the society, by a resolution passed by two-third majority of members present and voting in a general meeting decides for winding up of that society.

\* \* \* \* \*

CHAPTER XI

EXECUTION OF DECREES, ORDERS AND DECISIONS

94. Every decision or order made under section 39 or section 40 or section 83 or section 99 or section 101 shall, if not carried out,—

Execution of decisions, etc.

\* \* \* \* \*

CHAPTER XIII

SOCIETIES WHICH BECOME MULTI-STATE CO-OPERATIVE SOCIETIES CONSEQUENT ON REORGANISATION OF STATES

103. (1) Where, by virtue of the provisions of Part II of the State Reorganisation Act, 1956 or any other enactment relating to reorganisation of States, any co-operative society which immediately before the day on which the reorganisation takes place, had its objects confined to one State becomes, as from that day, a multi-State co-operative society, it shall be deemed to be a multi-State co-operative society registered under the corresponding

Co-operative societies functioning immediately before reorganisation of States.

provisions of this Act and the bye-laws of such society shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force until altered or rescinded.

\* \* \* \* \*

## CHAPTER XIV

### OFFENCES AND PENALTIES

Offences and penalties.

**104.** (1) A multi-State co-operative society or an officer or member thereof wilfully making a false return or furnishing false information, or any person wilfully or without any reasonable excuse disobeying any summons, requisition or lawful written order issued under the provisions of this Act, or wilfully not furnishing any information required from him by a person authorised in this behalf under the provisions of this Act, shall be punishable with fine which shall not be less than two thousand rupees and which may extend to ten thousand rupees.

(2) Any employer who, without sufficient cause, fails to pay to a multi-State co-operative society the amount deducted by him under section 60 within a period of fourteen days from the date on which such deduction is made shall, without prejudice to any action that may be taken against him under any other law for the time being in force, be punishable with fine which may extend to five thousand rupees.

(3) Any officer or custodian who wilfully fails to hand over custody of books, accounts, documents, records, cash, security and other property belonging to a multi-State co-operative society of which he is an officer or custodian, to a person entitled under section 54, or section 70, or section 78, or section 79, or section 89 shall be punishable with fine which may extend to two thousand rupees and in the case of a continuing breach, with a further fine which may extend to five thousand rupees for every day during which the breach is continued after conviction for the first such breach.

(4) Whoever, before, during or after the election of delegates under the proviso to sub-section (1) of section 38 or election of members of the board,—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot papers; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes, with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts;

(h) offers any gift or promises to offer any gratification to any person with the object, directly or indirectly, of including—

(i) a person to stand or not to stand as, or to withdraw or not to withdraw from, being a candidate at an election; or

(ii) a member to vote or refrain from voting at an election, or as a reward to a person for having so stood or not stood or for having withdrawn or not having withdrawn his candidature; or

(iii) a member for having voted or refrained from voting,

shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

\* \* \* \* \*

CHAPTER XIV

MISCELLANEOUS

**106.** Every multi-State co-operative society shall keep a copy of the rules and its bye-laws and also a list of its members, open to inspection free of charge at all reasonable times, at the registered address of the society.

Copies of bye-laws, etc., to be open to inspection.

\* \* \* \* \*

**108.** (1) The books of account and other books and papers of every multi-State co-operative society shall be open to inspection during business hours—

Inspection of books of account, etc., of multi-State co-operative society.

(i) by the Central Registrar, or

\* \* \* \* \*

**116.** (1)\* \* \* \* \*

Power to amend Second Schedule.

(2) A copy of every notification under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

\* \* \* \* \*

**120.** Every year within six months of the closure of the accounting year every multi-State co-operative society shall file the following returns with the Central Registrar, namely:—

Filing of returns.

(a) annual report of the activities;

\* \* \* \* \*

(f) any other information required by the Central Registrar in pursuance of any of the provisions of this Act.

1 of 1956.  
54 of 1969.

**121.** (1) The provisions of the Companies Act, 1956 and the Monopolies and Restrictive Trade Practices Act, 1969 shall not apply to the multi-State co-operative societies.

Certain Acts not to apply.

(2) The multi-State Co-operative societies registered or deemed to be registered under the provisions of this Act shall not indulge in monopolistic and restrictive trade practices as defined in the Monopolies and Restrictive Trade Practices Act, 1969.

54 of 1969.

\* \* \* \* \*

**123.** (1) If in the opinion of the Central Government, the board of any specified multi-State co-operative society is persistently making default or is negligent in the performance of the duties imposed on it by this Act or the rules or the bye-laws or has committed any act which is prejudicial to the interests of the society or its members, or has omitted or failed to comply with any directions given to it under section 122 or that there is a stalemate in the constitution or functions of the board, the Central Government may, after giving the board an opportunity to state its objections, if any, and considering the objections, if received, by order in writing, remove the board and appoint one or more administrators, who need not be members of the society, to manage the affairs of the society for such period not exceeding six months, as may be specified in the order which period may, at the discretion of the Central Government, be extended from time to time; so, however, that the aggregate period does not exceed one year:

Supersession of board of specified multi-State co-operative society.

Provided that in the case of a co-operative bank, the provisions of this sub-section shall have effect as if for the words "one year", the words "two years" had been substituted.

\* \* \* \* \*

*Explanation.*—For the purposes of sections 122 and 123, "specified multi-State co-operative society" means any multi-State co-operative society in which not less than fifty-one per cent. of the paid-up share capital or, of total shares, is held by the Central Government.

\* \* \* \* \*

Power to make rules.

**124. (1)\*** \* \* \* \*

(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:—

\* \* \* \*

(k) the election of members of the board under sub-section (2) of section 45 through secret ballot;

\* \* \* \*

(o) the conditions subject to which the board may constitute an Executive Committee and other committees or sub-committees under sub-section (1) of section 53;

\* \* \* \*

(3) 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 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.

\* \* \* \*

LOK SABHA

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**BILL**

further to amend the Multi-State Co-operative Societies Act, 2002.

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*(Shri Amit Shah, Minister of Home Affairs and Co-operation)*

THE ANTARRASHTRIYA KANNADA VISHWAVIDYALAYA  
BILL, 2022

ARRANGEMENT OF CLAUSES

CLAUSES

1. Short title and commencement.
2. Definitions.
3. Establishment of the University.
4. Objects of the University.
5. Powers and functions of the University.
6. Jurisdiction.
7. University to be open to all classes, castes and creeds.
8. Residence of students.
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10. Officers of the University.
11. The Chancellor.
12. The Vice-Chancellor.
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14. The Deans of Schools.
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16. The Finance Officer.
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18. Other officers.
19. Authorities of the University.
20. The Court.
21. The Executive Council.
22. The Academic Council.
23. The Board of Studies.
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26. Power to make Statutes.
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CLAUSES

29. Annual Report.
30. Annual Accounts.
31. Conditions of service of employees.
32. Procedure of appeal and arbitration in disciplinary cases against students.
33. Right to Appeal.
34. Provident and Pension Funds.
35. Disputes as to constitution of University authorities and bodies.
36. Constitution of Committees.
37. Filling of casual vacancies.
38. Proceedings of University authorities or bodies not invalidated by vacancies.
39. Protection of action taken in good faith.
40. Mode of proof of University record.
41. Power to remove difficulties.
42. Transitional provisions.
43. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

**Bill No. L of 2022**

THE ANTARRASHTRIYA KANNADA VISHWAVIDYALAYA  
BILL, 2022

A

**BILL**

*to establish and incorporate a teaching University for the promotion and development of Kannada language and literature, through teaching and research, with a view to enabling Kannada to achieve greater functional efficiency and recognition as a major international language and to provide for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Antarrashtriya Kannada Vishwavidyalaya Act, 2022. Short title and commencement.  
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, and the statutes made hereunder, unless the context otherwise requires,— Definitions.  
(a) "Academic Council" means the Academic Council of the University;  
(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

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

(d) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(e) "Court" means the Court of the University;

(f) "Department" means a Department of Studies and includes a Centre of Studies; 5

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

(h) "employee" means any person appointed by the University, and includes teachers and other staff of the University; 10

(i) "Executive Council" means the Executive Council of the University;

(j) "Finance Committee" means the Finance Committee of the University;

(k) "Hall" means a unit of residence or of corporate life for the students of the University, or of an Institution maintained by the University; 15

(l) "Institution" means an academic institution, not being a College, maintained by the University;

(m) "recognised Institution" means an institution of higher learning recognised by the University;

(n) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force; 20

(o) "School" means a School of Studies of the University;

(p) "Statutes" and "Ordinances" mean, respectively, the Statutes and Ordinances of the University for the time being in force;

(q) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any Institution maintained by the University and are designated as teachers by the Ordinances; 25

(r) "University" means the Antarrashtriya Kannada Vishwavidyalaya established and incorporated as a University under this Act. 30

Establishment  
of the  
University.

**3. (1) There shall be established a University by the name of "Antarrashtriya Kannada Vishwavidyalaya".**

**(2) The headquarters of the University shall be at Belgaum.**

**(3) The first Chancellor and the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Antarrashtriya Kannada Vishwavidyalaya".** 35

**(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.** 40

Objects of the  
University.

**4. The objects of the University shall be:—**

**(i) to promote and develop Kannada language and literature in general and, for that purpose, to provide for instructional and research facilities in the relevant branches of learning;**

(ii) to provide for active pursuit of comparative studies and research in Kannada and other Indian languages; to create facilities for development and dissemination of relevant information in the country and abroad;

5 (iii) to offer programmes of Research, Education and Training in areas like translation, interpretation and linguistics for improving the functional effectiveness of Kannada;

(iv) to reach out to Kannada scholars and groups interested in Kannada abroad and to associate them in teaching and research and to popularize Kannada through distance education system.

10 5. The University shall have the following powers, namely:—

Powers and  
functions of  
the  
University.

(i) to provide for instructions in the relevant branches of learning and to make provision for the advancement and dissemination of knowledge for furtherance of its objects;

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

20 (iii) to organise and to undertake extra-mural studies, training and extension services;

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

(v) to provide for facilities through distance education system to such persons as it may determine;

25 (vi) to institute Professorships, Readerships, Lecturerships and other teaching or academic positions, required by the University and to appoint persons to such Professorships, Readerships, Lecturerships or other teaching or academic positions;

30 (vii) to recognise, with the prior approval of the Visitor, an institution of higher learning, within or outside India for such purposes as the University may determine and to withdraw such recognition;

(viii) to appoint persons working in any other University or organisation as teacher of the University for a specified period;

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

35 (x) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purposes as the University may determine;

40 (xi) to establish, with the prior approval of the Visitor, such campuses, special centres and specialised laboratories, within or outside India, as are, in the opinion of the University, necessary for the furtherance of its objects;

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

(xiii) to establish and maintain Institutions and Halls;

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

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

**(xvi) to make special arrangements in respect of the residence, discipline and teaching of women students as the University may consider desirable;**

**(xvii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;** 5

**(xviii) to confer autonomous status on a Department, in accordance with the Statutes;**

**(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;** 10

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

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

**(xxii) to lay down conditions of service of all categories of employees, including their code of conduct;** 15

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

**(xxiv) to make arrangements for promoting the health and general welfare of the employees;** 20

**(xxv) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;**

**(xxvi) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;** 25

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

Jurisdiction. **6. The jurisdiction of the University, in exercise of its powers, shall extend to the whole of India.** 30

University to be open to all classes, castes and creeds. **7. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:** 35

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

Residence of students. **8. The University shall, primarily, be a residential University:** 40  
Provided that the requirements of residence shall be regulated in such manner as may be prescribed by the Ordinances.

The Visitor. **9. (1) The President of India shall be the Visitor of the University.**  
**(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including any Institution managed by it, and to submit a report thereon; and upon receipt of that report the Visitor may, after obtaining the views of** 45

the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

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

(4) The Visitor shall, in every matter referred to in sub-section (2), give notice of his  
10 intention to cause an inspection or inquiry to be made to the University and the University shall have the right to make such representations to the Visitor, as it may consider necessary.

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

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

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any Institution, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon,  
20 as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate, through the Vice-Chancellor, to the  
25 Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions.

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

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

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

**10.** The following shall be the officers of the University:—

(i) the Chancellor;

(ii) the Vice-Chancellor;

40 (iii) the Pro-Vice-Chancellor;

(iv) the Deans of Schools;

(v) the Registrar;

(vi) the Finance Officer;

(vii) the Librarian; and

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

Officers of  
the  
University.

The Chancellor.	<p><b>11.</b> (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.</p> <p>(2) The Chancellor shall, by virtue of his office, be the head of the University.</p> <p>(3) The Chancellor shall, if present, preside at the convocation of the University held for conferring degrees and the meetings of the Court.</p>	5
The Vice-Chancellor.	<p><b>12.</b> (1) The Vice-Chancellor shall be appointed by the Visitor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.</p> <p>(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.</p> <p>(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matters:</p> <p style="padding-left: 40px;">Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:</p> <p style="padding-left: 40px;">Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.</p> <p>(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.</p> <p>(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.</p>	10 15 20
The Pro-Vice-Chancellor.	<p><b>13.</b> The Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.</p>	
The Deans of Schools.	<p><b>14.</b> Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.</p>	35
The Registrar.	<p><b>15.</b> (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.</p> <p>(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.</p>	40
The Finance Officer.	<p><b>16.</b> The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.</p>	
The Librarian.	<p><b>17.</b> The Librarian shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.</p>	
Other officers.	<p><b>18.</b> The manner of appointment and powers and duties of the other officers of the University shall be prescribed by the Statutes.</p>	45

- 19.** The following shall be the authorities of the University:—
- (i) the Court;
- (ii) the Executive Council;
- (iii) the Academic Council;
- 5 (iv) the Board of Studies;
- (v) the Finance Committee; and
- (vi) such other authorities as may be declared by the Statutes to be the authorities of the University.
- 20.** (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.
- (2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—
- (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
- 15 (b) to advise the Visitor in respect of any matter which may be referred to it for advice; and
- (c) to perform such other functions as may be prescribed by the Statutes.
- 21.** (1) The Executive Council shall be the principal executive body of the University.
- (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- 22.** (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, exercise general supervision over the academic policies of the University.
- (2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- 23.** The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.
- 24.** The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.
- 30 **25.** The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.
- 26.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—
- (a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;
- 35 (b) the appointment and continuance in office of the members of the said authorities and bodies, filling up of vacancies of members and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
- 40 (c) the appointment, powers and duties of the officers of the University and their emoluments;
- (d) the appointment of teachers, academic staff and other employees of the University, their emoluments and other conditions of service;

Authorities of the University.

The Court.

The Executive Council.

The Academic Council.

The Board of Studies.

The Finance Committee.

Other authorities of the University.

Power to make Statutes.

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

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

5

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

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

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

10

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

(k) the establishment and abolition of Schools, Departments, Centres, Halls and Institutions;

(l) the conferment of honorary degrees;

15

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

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

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

(p) the maintenance of discipline among the employees and students;

20

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

Power to  
make  
Ordinances.

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

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

25

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

(c) the medium of instruction and examination;

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

30

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

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

35

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

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them;

40

(j) the appointments and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centres of Studies, Board of Studies, Special Centres, Specialised Laboratories and other Committees;

5 (l) the manner of co-operation and collaboration with other Universities, Institutions and other agencies including learned bodies or associations in India or abroad;

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

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

10 (o) the management of Institutions established by the University;

(p) setting up of a machinery for redressal of grievances of employees; and

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

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

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

**29.** (1) The annual report of the University shall be prepared under the direction of the Executive Council which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects, and shall be submitted to the Visitor on or before such date as may be prescribed by the Statutes. Annual Report.

25 (2) A copy of the annual report, as prepared under sub-section (1) shall also be submitted to the Central Government which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

30 **30.** (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf. Annual Accounts.

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

35 (3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council, if any, on such observation shall be submitted to the Visitor.

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

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

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

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

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

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940.

5 10 of 1940.

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

Procedure of appeal and arbitration in disciplinary cases against students.

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

10

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2) and (3) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

15

Right to appeal.

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

20

Provident and pension funds.

**34. (1)** The University shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

25

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

Disputes as to constitution of University authorities and bodies.

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

30

Constitution of Committees.

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

35

Filling of casual vacancies.

**37.** All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

40

Proceedings of University authorities or bodies not invalidated by vacancies.

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

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

Protection of action taken in good faith.

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

Mode of proof of University record.

1 of 1872.

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

Power to remove difficulties.

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

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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

Transitional provisions.

(a) the first Chancellor shall be appointed by the Visitor and the said officer shall hold office for a term of five years;

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

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

(d) the first Court and the first Executive Council shall consist of not more than thirty members and eleven members respectively who shall be nominated by the Visitor and they shall hold office for a term of three years;

(e) the first Academic Council shall consist of not more than twenty-one members who shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if such vacancy had not occurred.

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

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

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

(3) The power to make Statutes Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but not retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the Interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

## STATEMENT OF OBJECTS AND REASONS

Kannada is the official language of Karnataka state situated in the southern part of India and is the second oldest language of the Dravidian language family. It is the 27th most spoken dialect in the world with around 35 million speakers in the world. Kannada as a language demonstrates and broadcasts vast cultural heritage and culture. Kannada is one of the oldest languages of India and is considered to be one of the most important languages in the country.

In the Indian context, language plays a major role in communication and dialect, in order to understand the region, the tourist and people should be aware of the regional language. Sometimes, language also becomes a barrier in order to understand something. Kannada as a language will not only help in promoting tourism but it will be a great source of promoting the dialect and culture and heritage of Karnataka and the culture and heritage of Karnataka across other countries. Kannada language and literature should be ingrained in people, who are very intrigued about studying the language. It provides them with a great source of knowledge in general and also will provide instructional and research facilities for the relevant branches of learning in the Kannada language. This will help in promoting the language and also attract students globally to pursue a career in Kannada, literature and culture, and art of it.

The Bill will help in the promotion and development of accommodating dynamic quest for comparative studies of languages and research in Kannada along with other Indian dialects. The Bill seeks to establish a university that will provide high-level research in Kannada language, literature, and culture. It aims to impart training to those residing within and beyond India who desire to study the Kannada language, literature, culture, and other allied subjects.

The Bills seeks to provide for research on ancient Kannada literature in every field keeping in view the likely future scientific developments, it also aims to develop Kannada as a language of modern knowledge and medium instruction. The Bill seeks to provide for research and determine the procedures regarding the development of the kannada language embodying in itself all the educational fields existing in the developing world and evolving suitable approaches, therefore. The University will help in setting the facilities for the outsourcing and development of relevant information not only within the country but also abroad. It will help to offer programs in respective field research, education, and training in sphere-like translation, interpretation, and linguistics for improving the functional effectiveness of Kannada. The Bill seeks to reach out to Kannada scholars and groups who are in quest of teaching Kannada abroad and to associate them in teaching and research in order to disseminate and broadcast Kannada through various platforms and forums.

Hence, the Bill.

IRANNA KADADI

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish the University, namely, the Antarrashtriya Kannada Vishwavidyalaya with such object and powers and functions as delineated in clause 4 and clause 5 respectively.

Clause 34 of the Bill provides for payment of pension and provident fund for the benefit of its employees or provide such insurance schemes as it may deem fit. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two-hundred crore per annum would be involved from Consolidated Fund of India.

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

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26, 27 and 28 of the Bill empowers the University to make regulations, statues and ordinances 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 normal character.

RAJYA SABHA

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A

**BILL**

to establish and incorporate a teaching University for the promotion and development of Kannada language and literature, through teaching and research, with a view to enabling Kannada to achieve greater functional efficiency and recognition as a major international language and to provide for matters connected therewith or incidental thereto.

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*(Shri Iranna Kadadi, M.P.)*

**Bill No. LXXXIV of 2022**

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Code of Criminal Procedure, 1973.*

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

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2022.

Short title and commencement.

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

2. In section 2 of the Code of Criminal Procedure, 1973 (hereinafter referred as Code),  
sub-section (a) shall be renumbered as (aaa) and before sub-section (aaa), so renumbered,  
the following shall be inserted, namely:—

Amendment of section 2.

"(a) 'anticipatory bail' means a bail that a person seeks in anticipation of an arrest  
10 for an accusation under an offence that is non-bailable.

(aa) 'bail' means a surety bond that includes a personal bond from the accused for his release by the Court, the police or the Investigating Agency which is a conditional release based on the suspect's solemn undertaking to co-operate with both the investigation and the trial."

(2) sub-section (a) shall be renumbered as (aaa). 5

Amendment  
of Section  
265H.

3. For section 265H of the Code, the following shall be substituted, namely:—

Power of the  
Court in plea  
bargaining.

"(1) A Court shall have, for the purposes of discharging its functions under this chapter,—

(a) all the powers vested in respect of bail, trial of offences and other matters relating to the disposal of a case in such Court under this Code; and 10

(b) the power to *suo moto* review cases under trial and make decision as to their eligibility for plea bargaining".

Amendment  
of section  
309.

4. In section 309 of the Code,—

(i) after proviso to sub-section (1), the following proviso shall be inserted, namely:— 15

"Provided further that such adjournment or postponement of the proceedings shall not affect the conclusion of the trial within a period of two months from the date of filing the charge sheet, except in cases where the delay is reasonable for the reasons recorded thereof."

(ii) in sub-section (2), after the words "and may by a warrant remand the accused if in custody.", the words "and may release the accused on bail if the trial does not relate to an offence under the Indian Penal Code, 1860 where the punishment for such offence is life imprisonment or death or imprisonment exceeds seven years, or remand the accused to further custody, for the reasons to be recorded in writing." shall be inserted. 20  
45 of 1860  
25

(iii) in sub-section (2), for the third proviso, the following proviso shall be substituted, namely:—

"Provided also that, the Court if deems it necessary in the interests of justice, may adjourn the proceedings for the purpose of enabling the accused person to show cause against the sentence proposed to be imposed on him, for such time as it considers reasonable and for the reasons to be recorded in writing". 30

Amendment  
of section  
358.

5. In section 358 of the Code,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Whenever any person causes a police officer to arrest another person, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, and the damages incurred, including but not limited to financial losses as the Magistrate thinks fit". 35  
40

(ii) in sub-section (2), the words, "not exceeding one thousand rupees", shall be omitted.

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable 45

5	shall be sentenced to simple imprisonment for such term as the Magistrate directs, unless such sum is sooner paid after taking into consideration the factors, including but not limited to, the gravity of the offence the person so arrested is charged with, and the extent of the damages incurred in the matter, including but not limited to financial losses".	
	<b>6.</b> After section 358 of the Code, the following new section shall be inserted, namely:—	Insertion of new section 358A.
10	" <b>358A.</b> In section 436A of this Code, where the undertrial prisoner is detained beyond the maximum period prescribed, the Magistrate may award such compensation, as the Magistrate thinks fit in the interests of justice, after taking into consideration the factors including but not limited to, the cause for delay, extent of the delay, and the damages incurred by the reason of such delay including but not limited to financial losses".	Compensation to undertrial prisoners detained beyond the maximum prescribed period.
	<b>7.</b> In section 436 of the Code, after sub-section (1), the following proviso shall be inserted, namely:—	Amendment of section 436.
15	"Provided that the officer-in-charge or the Court, shall decide the bail application within fourteen days from the first day of receiving such application."	
	<b>8.</b> After section 436A of the Code, the following new section shall be inserted, namely:—	Insertion of section 436B.
20	" <b>436B.</b> A Court shall have, for the purposes of discharging its functions under this chapter, the power to <i>suo moto</i> review cases undertrial and make decision as to their eligibility for bail".	Power to take <i>suo moto</i> cognizance of undertrial prisoners.
	<b>9.</b> In section 437 of the Code,—	Amendment of section 437.
	(i) in sub-section (1), after sub-clause (ii), the following sub-clause shall be inserted, namely:—	
25	"(iii) such person shall not be so released if on such release he may directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, or there appear reasonable grounds to believe that the presence of such person required for producing before the Court cannot be assured",	
30	(ii) for sub-section (4), the following sub-section shall be substituted, namely:—	
	"(4) An officer or a Court not releasing any person on bail under sub-section (1) or sub-section (2), shall record in writing his or its reasons for not doing so."	
35	(iii) for sub-section (5), the following sub-section shall be substituted, namely:—	
	"(5) Any Court which has released a person on bail under sub-section (1) or sub-section (2), may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody for the reasons to be recorded in writing."	
40	<b>10.</b> In section 438 of the Code, in sub-section (2), for clause (ii), the following clause shall be substituted, namely:—	Amendment of section 438.
45	"(ii) the existence of reasonable grounds to believe that the applicant may directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence".	

### STATEMENT OF OBJECTS AND REASONS

The Code of Criminal Procedure does not define the words 'Bail' and 'Anticipatory Bail', and only categorizes the offence into bailable or non-bailable. While Code of Criminal Procedure provides for the grant of bail as a right in bailable offences after furnishing of bond with surety; in case of indigence, the officer in-charge or the Magistrate may, if deems fit, provide bail without surety; and in case of cognizable offences the grant of bail is subject to Magistrate's discretion.

2. There are reports of overcrowding in jails, in which two thirds of the prisoners are undertrials and of these undertrials, the substantial number is of those who are arrested in non-cognizable offence. The practice of indiscriminate arrests defeats the purpose of 'bail, not jail', wherein bail is a rule and jail is an exception, as also reiterated in several judgments of the Supreme Court, the latest being *Satender Kumar Antil v/s CBI* (CRL. No. 5191 of 2021). The arrests shall be necessitated instead of being mandatory, and only where there is a reasonable ground to believe that the accused will not appear before the Court at the stipulated time and place, or there is a reasonable ground to believe that the accused may if not arrested can tamper with the potential witnesses or evidence, then the accused may be so detained. The condition of jails with majority of undertrials in non-cognizable offences frustrates the spirit of liberty as a fundamental right enshrined in the constitution.

3. It is with this objective that the proposed Bill is presented to redefine a procedural framework with regard to the bail provisions. The aim is to reduce the population of undertrials in the jails whose arrests are not necessitated, the speedy disposal of bail applications so as to bring in certainty, and narrow down the scope of discretionary power that exists with the judiciary in deciding on bail applications.

Hence, this Bill.

SUJEET KUMAR.

ANNEXURE

EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE, 1973

(ACT No. 2 OF 1974)

\* \* \* \* \*

In this code, unless the context otherwise requires,— Definitions.

(a) "bailable offence" means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence;

\* \* \* \* \*

**265H.** A Court shall have, for the purposes of discharging its functions under this Chapter, all the powers vested in respect of bail, trial of offences and other matters relating to the disposal of a case in such Court under this Code. Power of the Court in plea bargaining.

\* \* \* \* \*

**309.** (1) In every inquiry or trial the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded: Power to postpone or adjourn proceedings.

Provided that when the inquiry or trial relates to an offence under section 376, section 376A, section 376B, section 376C, section 376D, section 376DA or section 376DB of the Indian Penal Code (45 of 1860), the inquiry or trial shall be completed within a period of two months from the date of filing of the charge sheet.

(2) If the Court, after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time:

Provided further that when witnesses are in attendance, no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded in writing:

Provided also that no adjournment shall be granted for the purpose only of enabling the accused person to show cause against the sentence proposed to be imposed on him:

Provided also that—

(a) no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party;

(b) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment; and

(c) where a witness is present in Court but a party or his pleader is not present or the party or his pleader though present in Court, is not ready to

examine or cross-examine the witness, the Court may, if thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be.

*Explanation 1.*—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

*Explanation 2.*—The terms on which an adjournment or postponement may be granted include, in appropriate cases, the payment of costs by the prosecution or the accused.

\* \* \* \* \*

Compensation to persons groundlessly arrested.

**358.** (1) Whenever any person causes a police officer to arrest another person, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding one thousand rupees, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit.

(2) In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding one thousand rupees, as such Magistrate thinks fit.

(3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

\* \* \* \* \*

In what cases bail to be taken.

**436.** (1) When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail:

Provided that such officer or Court, if he or it thinks fit, may, and shall, if such person is indigent and is unable to furnish surety, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

*Explanation.*—Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the Court to presume that he is an indigent person for the purposes of this proviso:

Provided further that nothing in this section shall be deemed to affect the provisions of sub-section (3) of section 116 or section 446A.

(2) Notwithstanding anything contained in sub-section (1), where a person has failed to comply with the conditions of the bail-bond as regards the time and place of attendance, the Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the Court or is brought in custody and any such refusal shall be without prejudice to the powers of the Court to call upon any person bound by such bond to pay the penalty thereof under section 446.

Maximum period for which an undertrial prisoner can be detained.

**436A.** Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

*Explanation.*—In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

**437.** (1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of session, he may be released on bail, but—

When bail may be taken in case of non-bailable offence.

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but not less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is under the age of sixteen years or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, subject to the provisions of section 446A and pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860) or abatement of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), the Court shall impose the conditions,—

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, and may also impose, in the interests of justice, such other conditions as it considers necessary.

(4) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2), shall record in writing his or its reasons or special reasons for so doing.

(5) Any Court which has released a person on bail under sub-section (1) or sub-section (2), may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody.

(6) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.

(7) If, at any time, after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused, if he is in custody, on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

Direction for grant of bail to person apprehending arrest.

**438.** (1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including—

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).

(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code (45 of 1860).

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RAJYA SABHA

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**BILL**

further to amend the Code of Criminal Procedure, 1973.

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*(Shri Sujeet Kumar, M.P.)*

**Bill No. LVII of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and commencement.

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

5 2. In article 16 of the Constitution for clause (4), the following clause shall be substituted, namely:—

Amendment of article 16.

"(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, in proportion to their population which, in the opinion of the State, is not adequately represented in the services under the State."

## STATEMENT OF OBJECTS AND REASONS

In terms of the principles of affirmative action enabled under the Constitution of India to ameliorate the conditions of Other Backward Classes (OBCs), periodic measures have been taken by the previous Governments. However, OBCs have not secured representation proportionate to their population in Government jobs.

2. The representation of the citizens from socially and educationally backward classes in Government jobs, as provided by the Constitution is only 27 per cent while their population is fairly more than this.

3. The proposed Bill would enable adequate, Reservation for OBCs in appointments or posts and make the system of appointments more equitable and thereby increase the representation of OBCs in proportion to their population in Government jobs.

4. The Bill seeks to achieve the above objectives.

JAVED ALI KHAN.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

**16. (1)** There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Equality of opportunity in matters of public employment.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent, reservation on total number of vacancies of that year.

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RAJYA SABHA

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**BILL**

further to amend the Constitution of India.

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*(Shri Javed Ali Khan, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LXXXV of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and  
commencement.

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

Amendment of article 270.

**2.** In article 270 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

"(1) All taxes and duties referred to in the Union List, the surcharge on taxes and duties referred to in article 271 and any cess levied for specific purposes under any law made by Parliament shall be levied and collected by the Government of India and shall be distributed between the Union and the States in the manner provided in clause (2):

Provided that this clause shall not apply to duties and taxes referred to in articles 268, 269 and 269A."

(ii) after clause (1B), the following shall be inserted, namely:—

"(1C) Any cess levied and collected by the Government of India under clause (1) shall be:

(a) imposed for a specific purpose clearly stated in the law imposing such cess;

(b) earmarked for a purpose that does not fall within List II of the Seventh Schedule of the Constitution; and

(c) subject to a periodic review by the Finance Commission at the end of two years of being levied to assess whether funds are being appropriately utilized and dispersed for the purpose for which it is being levied."

(iii) for clause (2), the following shall be substituted, namely:—

"(2) Such percentage, as may be prescribed, of the net proceeds of any such tax or duty or cess or surcharge in any financial year shall not form part of the Consolidated Fund of India, but shall be assigned to the States within which that tax or duty or cess or surcharge is leviable in that year, and shall be distributed among those States in such manner and from such time as may be prescribed in the manner provided in clause (3)."

Substitution of article 271.

**3.** For article 271, the following article shall be substituted, namely:—

Surcharge on certain duties and taxes.

"271. Notwithstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred to in those articles except the goods and services tax under article 246A, by a surcharge for a definite period of time and the whole proceeds of any such surcharge shall be distributed between the Union and the States in such manner and from such time as may be prescribed in the manner provided in article 270."

Amendment of article 280.

**4.** In article 280, in clause (3), for sub-clause (a), the following shall be substituted, namely:—

"(a) the distribution between the Union and the States of the net proceeds of taxes, cess and surcharge, which are to be, or may be divided between them under this Chapter and the allocation between the States of the respective shares of such proceeds."

Insertion of new article 342B.

**5.** After article 342A of the Constitution, the following new article shall be inserted, namely:—

Enumeration and census of socially and educationally backward classes.

"342B.(1) Notwithstanding anything in this Constitution or any law for the time being in force, the Central Government shall enumerate the socially and educationally backward classes and ascertain their respective population in the census conducted under the Census Act, 1948.

(2) Wherever any reservation is provided for socially and educationally backward classes in this Constitution or any other law for the time being in force, the number of seats to be reserved for such socially and educationally backward classes shall be in proportion to their respective population.

5           *Explanation.*—In this clause, the expression “population” shall mean the population as ascertained at the last preceding census of which the relevant figures have been published.”

## STATEMENT OF OBJECTS AND REASONS

The Constitution of India gives immense revenue-generating powers to the Central Government but puts more welfare obligations on the State Governments. The report of the 15th Finance Commission noted that the Central Government had about 62.7% of the resources but incurred only 37.6% of the expenditure, whereas the State Governments had only 37.3% of the resources but incurred 62.4% of the expenditure. A report by the Reserve Bank of India also noted that more than 60% of India's capital expenditure came exclusively from the State Governments. A comparison of the lists in the Seventh Schedule of the Constitution would also reveal that the State List enumerates more welfare obligations than the Union List.

Nonetheless, the Constitution has made provisions under article 270(1) for distributing the tax revenue collected by the Central Government between itself and the States to help them effectively carry out their welfare obligations. However, article 270(1) also permits the Central Government to levy cesses and surcharges, which it is not obligated to share with the States. Owing to this reason, over the past few years, there has been significant over-reliance of the Centre on cesses and surcharges. In 2012-13, cesses and surcharges formed 8.76% of the Centre's gross tax revenue whereas in 2020-21, this share has crossed 20%. This has caused the divisible pool of central tax revenue that is shareable with the States to shrink considerably. Both the 14th and 15th Finance Commissions recommended fixing the share of the States in the divisible pool to 42% and 41% respectively but due to the disproportionate increase in cesses and surcharges, the effective share of States has reduced to just 29 to 32%.

The matter of imposing cess has become contentious due to many reasons. First, although cesses can be implemented only for specific purposes, the Centre is levying cesses for purposes that are wide and open-ended. Recent purposes for cesses include financing of national highways, basic education, environment and infrastructure projects, which already come under the ambit of the duties of the Central Government in its discharge of general administration and are broad heads of expenditure rather than specific purposes. Second, cesses are being levied for purposes within the State List, which are *per se* not the functions of the Central Government for which it requires earmarked funds including health, agriculture and rural roads, among others. Third, the language used for levying cess is also often open-ended. For instance, the Swachh Bharat and Krishi Kalyan cess were levied to "finance and promote Swachh Bharat initiatives or related purposes" and "to finance and promote initiatives to improve agriculture or related purposes" respectively.

Objections have also been raised with respect to the imposition of surcharges. The Expert Commission on Financial Provisions appointed by the President of the Constituent Assembly envisaged that the Centre's need for imposing surcharges would arise only on rare occasions and that surcharges would not be continued for unduly long periods of time. The 8th Finance Commission also expressed concerns regarding the indefinite imposition of surcharges and recommended their withdrawal. The 10th Finance Commission noted that surcharges on income tax should not be levied except to meet emergent requirements for a limited period of time. However, historically speaking, surcharges have formed a consistent part of India's direct tax regime, which is in contradiction with the foregoing objectives and recommendations. Following the adoption of the Constitution, surcharge has been imposed every year except 1998-99.

At the same time, the Comptroller and Auditor General (CAG), in its reports, has flagged the lack of sufficient transparency in the reporting and the utilisation of the funds collected through cess and surcharges as well as discrepancies in the utilisation of the proceeds. In 2018, the CAG, through an affidavit in the Supreme Court, revealed that a majority of the funds collected under the Building and Other Construction Workers Welfare

Cess Act, 1996 were spent on buying laptops and washing machines and that less than 10% was spent on the welfare of construction workers. In many cases, the cess collected was not transferred to its respective Reserve Fund. During 2020 and 2021, nearly 1.28 lakh crore rupees was collected through cess on crude oil but was not transferred to the Oil Industry Development Board.

The disproportionate imposition of cesses and surcharges has only exacerbated the vertical fiscal imbalance between the Central Government and the State Governments. As evinced by the responsibilities in the State List, adequate financial resources must be made available to the States to maintain the overall economic health of the States as well as of the country as a whole.

Therefore, this Bill seeks to amend the Constitution to ensure that the proceeds of cess and surcharge are made shareable with the States. Additionally, it establishes definite parameters to determine how cess should be levied and collected and to limit the imposition of surcharges for a limited period of time, for ensuring greater fiscal transparency.

Furthermore, India is home to a diverse population belonging to a broad array of castes. This necessitates the availability of latest and extensive data on caste so that the Central and State Governments can design effective policies for affirmative action and resource redistribution. The caste data was first enumerated in India within the general census undertaken in 1872 and continued for the next six decades until 1931. However, in the post-independence era, in every census conducted so far from 1951 to 2011, no caste data, apart from that relating to Scheduled Castes and Scheduled Tribes has been collected. Although, the Government conducted the Socio-Economic and Caste Census (SECC) in 2011 to obtain data regarding the economic position and caste status of the Indian population, only the economic data has been made public whereas the caste data has not been released.

Our country is home to a significant population of backward classes that do not fall under the category of Scheduled Castes and Scheduled Tribes, referred to as Socially and Educationally Backward Classes (SEBCs). The Mandal Commission (1980) assessed the population of SEBCs to be 52%, back when the Indian population was at 68 crores. Since that time, the Indian population has more than doubled to 138 crore but we still do not have any updated, comprehensive and categorised data on the SEBC population in the country.

Across the world, countries have taken steps to enumerate different sections of people within their societal structure. For instance, the USA enumerates all races within its multi-racial population. The UK does a similar enumeration for immigrants having varying origins and hailing from different social backgrounds. However, India is yet to enumerate caste data on SEBCs within its demography, creating an information vacuum that has negated the formulation of objective and proportionate welfare schemes.

It is imperative to conduct a nationwide caste census to understand how various castes have progressed economically, to assess which castes have been left behind, and to devise appropriate policies for filling the existing gaps. The need for a caste census is further buttressed by the fact the proper implementation of articles 15(4) and 16(4) of the Constitution, dealing with reservations for Other Backward Classes in educational institutions and Government services, is not possible without enumerating the population of Other Backward Classes to understand the proportion of their representation in relation to various socio-economic and geographical parameters.

There has been a long-standing demand supported by wide consensus across political factions for conducting a caste census. While the Government had declared that a caste census of SEBCs is administratively difficult and cumbersome, in 2018, the then Home Minister assured that a caste-based survey would be conducted. In April 2021, the National Commission for Backward Classes also requested the Ministry of Social Justice and Empowerment to collect information on the population of Other Backward Classes in the country as a part of the 2021 general census. Similar recommendations have been made by the Parliamentary

Standing Committee on Welfare of Other Backward Classes. But no efforts have been undertaken by the Central Government in this regard so far.

In light of the aforementioned, the Bill seeks to amend the Constitution to ensure that the Central Government enumerates the SEBCs and ascertains their respective population within the census conducted under the Census Act, 1948. It also provides that wherever reservation is provided for SEBCs under any law, due consideration shall be given to the population of such SEBCs in determining the number of seats to be reserved for them. This Bill will ensure much-needed caste-wise enumeration of SEBCs, which in turn, will create the foundation for scientific and rational policies for the welfare and upliftment of SEBCs.

Hence, this Bill.

V. VIJAYASAI REDDY.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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**270.** (1) All taxes and duties referred to in the Union List, except the duties and taxes referred to in articles 268, 269 and 269A, respectively, surcharge on taxes and duties referred to in article 271 and any cess levied for specific purposes under any law made by Parliament shall be levied and collected by the Government of India and shall be distributed between the Union and the States in the manner provided in clause (2). Taxes levied and distributed between the Union and the States.

(1A) The tax collected by the Union under clause (1) of article 246A shall also be distributed between the Union and the States in the manner provided in clause (2).

(1B) The tax levied and collected by the Union under clause (2) of article 246A and article 269A, which has been used for payment of the tax levied by the Union under clause (1) of article 246A, and the amount apportioned to the Union under clause (1) of article 269A, shall also be distributed between the Union and the States in the manner provided in clause (2).

(2) Such percentage, as may be prescribed, of the net proceeds of any such tax or duty in any financial year shall not form part of the Consolidated Fund of India, but shall be assigned to the States within which that tax or duty is leviable in that year, and shall be distributed among those States in such manner and from such time as may be prescribed in the manner provided in clause (3).

(3) In this article, "prescribed" means,—

(i) until a Finance Commission has been constituted, prescribed by the President by order, and

(ii) after a Finance Commission has been constituted, prescribed by the President by order after considering the recommendations of the Finance Commission.

**271.** Notwithstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred to in those articles except the goods and services tax under article 246A, by a surcharge for purposes of the Union and the whole proceeds of any such surcharge shall form part of the Consolidated Fund of India. Surcharge on certain duties and taxes for purposes of the Union.

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**280.**(3) It shall be the duty of the Commission to make recommendations to the President as to— Finance Commission.

(a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them under this Chapter and the allocation between the States of the respective shares of such proceeds;

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RAJYA SABHA

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A  
BILL  
further to amend the Constitution of India.

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*(Shri V. Vijayasai Reddy, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LXIX of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. This Act may be called the Constitution (Amendment) Act, 2022. Short title and commencement.
2. It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.
3. In article 324 of the Constitution,— Amendment of article 324.
  - (a) for clause (2), the following clause shall be substituted, namely:—

"(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made regarding the conditions of their service by Parliament, be made by the President by warrant under his hand and seal as per the recommendations of a Committee consisting of: 5

(i) Chief Justice of India — Chairperson:

(ii) Speaker of Lok Sabha — Co-Chairperson; and

(iii) The leader of the largest Opposition Party in the House of the People-Member: 10

Provided that upon demitting office by the incumbent Chief Election Commissioner, the senior-most Election Commissioner, if any, shall be appointed as the Chief Election Commissioner, unless the Committee for reasons to be recorded in writing, finds such Election Commissioner to be unfit."

(b) in clause (5),— 15

(i) the words "the Election Commissioners and", shall be omitted.

(ii) for the first proviso, the following proviso shall be substituted, namely:—

"Provided that the Chief Election Commissioner or the Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner or the Election Commissioner shall not be varied to his disadvantage after his appointment." 20

(iii) in the second proviso, the words "any other Election Commissioner or", shall be omitted.

(c) for clause (6), the following Clause shall be substituted, namely:— 25

"(6) (1) The Election Commission shall have a separate independent and permanent secretarial staff.

(2) The Election Commission may, by rules prescribed by it, regulate the recruitment, and the conditions of service of persons appointed, to its permanent secretarial staff.

Provided that, without prejudice to the above, the President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission under clause (1)." 30

## STATEMENT OF OBJECTS AND REASONS

The Election Commission of India (hereinafter referred to as 'ECI') is an independent constitutional body, which has been vested with the powers of superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President by virtue of article 324(1) of the Constitution. On 1st October 1993, the President of India, in exercise of powers conferred by clause 2 of article 324 of the Constitution, fixed, until further orders, the number of Election Commissioners (other than the Chief Election Commissioner) at two.

2. The power to appoint the Chief Election Commissioner (CEC) and the Election Commissioners lies with the President as Per article 324(2) of the Constitution. Consequently, owing to the absence of any Parliamentary law governing the method of appointment, the Election Commissioners are appointed by the Government of the day, without pursuing any consultation process. Given the importance of maintaining the neutrality of the Election Commission and to shield the CEC and other Election Commissioners from executive or political interference, it is imperative that the appointment of Election Commissioners shall be through a consultative process.

3. Although the issue of appointments was discussed in the Constituent Assembly and suggestion was floated to make the appointments to Election Commission subject to confirmation by a two-thirds majority in a joint session of both Houses of the Parliament, it was rejected. However, the Constituent Assembly took note that maintaining the neutrality and independence of Election Commission is *sine qua non* as can be discerned from Dr. B. R. Ambedkar's speech in the meeting of the Constituent Assembly of India held on 15.06.1949, wherein he expressed the opinion, "Therefore, so far as the fundamental question is concerned that the election machinery should be outside the control of the executive Government, there has been no dispute."

4. The Dinesh Goswami Committee Report on Electoral Reforms in 1990 recommended a change to the extant appointment process, suggesting that the CEC should be appointed by the President in consultation with the Chief Justice of India and the Leader of the Opposition in the Lok Sabha and that the CEC should be additionally consulted on the question of appointment of the other Election Commissioners and that the entire consultation process should have statutory backing. This was followed by the introduction of the Constitution (Seventieth Amendment) Bill 1990 in the Rajya Sabha on 30th May 1990 providing that the CEC would be appointed by the President after consultation with the Chairman of the Rajya Sabha, the Speaker of the Lok Sabha, and the Leader of the Opposition (or the leader of the largest party) in the Lok Sabha. The CEC was also proposed as party to the consultative process in the appointment of other Election Commissioners. However, on 13th June 1994, the Government withdrew the said Bill.

5. Though, the Parliament enacted the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act in 1991 in exercise of the powers conferred by clause 2 of article 324 of the Constitution, the same doesn't prescribe for the appointment procedure of CEC or Election Commissioners, thereby warranting the amendment of article 324(2) itself so as to provide an ironclad procedure for recruitment to the Election Commission. The Socio-political scenario prevailing in the country has undergone a sea change over the last three decades. It is imperative that the appointment of all Election Commissioners, including CEC, should be made by the President as per the recommendations of a three-member Selection Committee, consisting of the Chief Justice of India, Speaker of the Lok Sabha and the Leader of the largest Opposition Party in the House of the People. Furthermore, the senior-most Election Commissioner shall be appointed as the CEC upon

demitting office by the incumbent CEC, unless the three member committee, for reasons to be recorded in writing, finds such Commissioner unfit.

6. Likewise, article 324(5) of the Constitution is intended to ensure the independence of the ECI and free it from external, political interference and thus expressly provides that the removal of the CEC from office shall be on like manner and on the like grounds as a Judge of the Supreme Court. But a similar impeachment procedure is not prescribed for other Election Commissioners under Article 324(5), and they are treated on par with the Regional Commissioners and can be removed from office on CEC's recommendation.

7. The ECI in its 2004 Report categorically opined that the current wording of article 324(5) was "inadequate" and required an amendment to bring the removal procedures of Election Commissioners on par with the CEC, so as to provide them with the same protection and safeguards as the CEC. Equating the removal procedures of the two Election Commissioners with that of the CEC is also in line with the legislative intent of the Parliament. In the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, the retirement age of the CEC was fixed at 65 years, with a salary and other perquisites equal to that of a Supreme Court judge; whereas that of other Election Commissioners were initially fixed at 62 years with benefits equivalent to a High Court judge. However, in 1993, the above Act was amended and the CEC and other Election Commissioners were placed on par on matters of retirement age, salaries and other benefits. Section 10 of the Act also provided for all three members to have an equal say in the decision making process, with any difference in opinion being resolved "according to the opinion of the majority". Besides, the Supreme Court, in T.N. Seshan, Chief Election Commissioner vs Union of India & Ors, held that the CEC was not superior to the Election Commissioners. CEC functions as a first amongst equals. As such it is necessary to extend the protection of service available to CEC, in the matter of removability from office, to other Election Commissioners as well.

8. Furthermore, the ECI at present has a separate secretariat of its own, with the service conditions of its officers and staff being regulated by the rules made by the President under article 309 of the Constitution. Officers at the higher level, such as the level of deputy election commissioner are normally appointed on a tenure basis on deputation from the national civil services. Lower level officers are permanent officers in the ECI's secretariat, from its own ranks. To strengthen the independence of the secretariat, consonant with the intention of the framers of the Constitution, the Goswami Committee recommended that the ECI should have an independent secretariat, along the lines of article 98(2) of the Constitution relating to Rajya Sabha Secretariat and Lok Sabha Secretariat. This recommendation was also duly considered in the ill-fated Constitution (Seventieth Amendment) Bill, 1990 which was subsequently withdrawn (supra). If the Secretariat of ECI is insulated from Executive interference on the issues of appointments, promotions etc., along the lines of the Secretariats of the Lok Sabha, Rajya Sabha, Registries of the Supreme Court and High Courts, etc., it will further strengthen the independence of ECI. It is of paramount importance to ensure that the ECI, entrusted with the task of conducting elections throughout the country, be fully insulated from political pressure or Executive interference to maintain the purity of elections. In these circumstances, it is vital to amend article 324 to have a permanent independent secretariat for the ECI.

9. Likewise, the Law Commission of India, in one of its Reports on Electoral Reforms recommended modifications of the extant Election Commission system in line with the above mentioned aspects, though not in its entirety.

10. In the light of the above, it can be found that there is a pressing priority to amend article 324 of the Constitution of India to achieve the aforementioned goals.

The Bill seeks to achieve the said objectives.

DR. JOHN BRITTAS.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill *inter alia* provides that the Election Commission shall have a separate independent and permanent secretarial staff. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at this stage to quantify the expenditure that may be involved.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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PART XV

ELECTIONS

Superintendence, direction and control of election to be vested in an Election Commission.

**324.** (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission).

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each binnial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).

(5) Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and Regional Commissioners shall be such as the President may rule determine:

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment:

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commission.

(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

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RAJYA SABHA

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A

**BILL**

further to amend the Constitution of India.

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*(Dr. John Brittas, M.P.)*

**Bill No. LXV of 2022**

THE CONSTITUTION (AMENDMENT) BILL 2022

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BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and commencement.

(2) It shall come into force at once.

5 2. In article 124 of the Constitution, after clause (7), the following clause shall be inserted, namely:—

Amendment of article 124.

"(8) No person who has held office as a Judge of the Supreme Court shall hold any executive position or any office of profit, under the Government of India or any of the State Governments, before the expiry of five years from the date he ceases to hold  
10 such office."

Amendment of article 220.

3. After article 220 of the Constitution, the following new article shall be inserted, namely:—

Restriction on post-retirement employment under Government of a Judge of a High Court.

"220A. No person who has held office as a Judge or as the Chief Justice of a High Court shall hold any executive position or any office of profit, under the Government of India or any of the State Governments, before the expiry of five years from the date he ceases to hold such office." 5

## STATEMENT OF OBJECTS AND REASONS

Independence and impartial functioning of the judiciary and the protection of constitutional governance depend upon the separation of powers. The judiciary is supposed to uphold the Constitution. It acts as a check against excesses, arbitrariness, and unlawful steps that may emanate from other branches.

This independence of the judiciary is achieved by many protective constitutional provisions. Judges cannot be arbitrarily removed once they are appointed, and can only be removed from office by a special majority of both Houses under article 124(4) of the Constitution. Judges, therefore, enjoy security of tenure while holding office, which is essential for maintaining judicial independence.

The Constitution also prohibits post-retirement work by judges as lawyers. Article 124(7) of the Constitution provides that a retired Supreme Court judge cannot "plead or act in any court or before any authority within the territory of India".

However, this provision only restricts post-retirement appointments in judiciary itself, but not in posts of President, Governor, Member of Parliament, etc. The post-retirement appointment of judges to other executive posts may undermine judicial independence.

In the Constituent Assembly, K T Shah, had put forward the suggestion that High Court and Supreme Court judges should not take up an executive office with the Government, "so that no temptation should be available to a judge for greater emoluments, or greater prestige which would in any way affect his independence as a judge."

In its 14th report in 1958, the Law Commission strongly recommended banning post-retirement Government employment for Supreme Court judges because the Government was a litigant in the courts in large number of cases.

Several appointments to administrative bodies require a cooling-off period for individuals so as to eliminate the possibility or suspicion of a conflict of interest or *quid pro quo*. This cooling-off period must be extended to Indian Judiciary. No person who has been appointed as judge in the Supreme Court or the judge or chief justice of a High Court shall hold any executive position or any office of profit, under the Government of India or any of the States of India, before the expiry of five years from the date of retirement from the post of the Judge of the respective court.

The Bill seeks to achieve these objectives.

DR. V. SIVADASAN.

*ANNEXURE*

EXTRACTS FROM THE CONSTITUTION OF INDIA

Establishment  
and  
constitution  
of Supreme  
Court.

124. \* \* \* \* \*

(7) No person who has held office as a Judge of the Supreme Court shall plead or act in any court of before any authority within the territory of India

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RAJYA SABHA

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**BILL**

further to amend the Constitution of India.

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*(Dr. V. Sivadasan, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LXXII of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and commencement.

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

2. In article 124 of the Constitution of India, in clause (2), for the words "on the recommendation of the National Judicial Appointments Commission", the words, "on the recommendation of the National Judicial Commission" shall be substituted.

Amendment of article 124.

Substitution  
of articles  
124A, 124B  
and 124C.

3. For articles 124A, 124B and 124C of the Constitution, the following articles shall be substituted, namely:—

National  
Judicial  
Commission

"124A. (1) There shall be a Commission to be known as the National Judicial Commission consisting of the following, namely:—

(a) the Chief Justice of India, Chairperson, *ex officio*; 5

(b) two other senior Judges of the Supreme Court next in seniority to the Chief Justice of India—Member, *ex officio*;

(c) Attorney General of India—Member, *ex officio*;

(d) two eminent persons nominated by the full court of the Supreme Court from a panel to be submitted by a Committee consisting of the Prime Minister, the Chief Justice of India and the Leader of Opposition in the House of the People or where there is no such Leader of Opposition, then, the Leader of single largest Opposition Party in the House of the People and a nominee of the Bar Council of India—Member: 10

Provided that one of the eminent persons shall be jurist and the other shall be a person with specialized expert knowledge in any of the branches of social science, political science, economics etc. nominated from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes or Minorities: 15

Provided further that one of the eminent persons shall be a woman: 20

Provided further that an eminent person shall be nominated for a period of three years and shall not be eligible for renomination.

(2) A Member nominated under clause (d) of sub-section (1),—

(a) may by writing under this hand addressed to the President, resign his office;

(b) shall not be removed from office except on the unanimous recommendation of the Chairperson and all the other Members of the Commission; 25

(c) shall not hold any public office or engage in any legal practiced whatsoever after the completion of his term; and

(d) shall entitled to such privileges, salaries and allowances equivalent to a Judge of the Supreme Court of India. 30

(3) No act or proceedings of the National Judicial Commission shall be questioned or be invalidated merely on the ground of the existence of any vacancy or defect in the constitution of the Commission.

(4) The office of the National Judicial Commission shall be at New Delhi.

Functions of  
the National  
Judicial  
Commission.

"124B. It shall be the duty of the National Judicial Commission to— 35

(a) recommend persons for appointment as Chief Justice of India, Judges of the Supreme Court, Chief Justice of High Courts and other Judges of High Courts:

Provided that the Commission, before making recommendations for appointment of a Chief Justice of High Court or a Judge of the High Court, shall elicit in writing the views of the Governor and the Advocate General or the Chief Minister of the State concerned in such manner as may be prescribed by the Commission; 40

(b) recommend transfer of Chief Justices and other Judges of High Courts from one High Court to any other High Court; 45

(c) ensure that the person recommended is of ability and integrity; and

(d) to inquire for misbehaviour or incapacity of Chief Justice of India, Judges of the Supreme Court of India, Chief Justices of a High Courts and other Judges of High Courts and to regulate the procedure for such inquiry, under clause (4) of article 124.

**124C.** (1) Parliament may, by law, regulate the procedure for the appointment of Chief Justice of India and other Judges of the Supreme Court and Chief Justice and other Judges of High Courts and transfer of the Chief Justices and other Judges of the High Courts from one High Court to any other High Court.

Power of Parliament to make law.

(2) The National Judicial Commission to specify by regulations, the procedure for the discharge of its functions and duties, exercise of its powers and its other procedure, conditions and criteria of suitability for selection and appointment of Judges of the Supreme Court, Chief Justices of High Courts and other Judges of a High Courts and transfer of the Chief Justices and other Judges of the High Courts from one High Court to any other High Court as it may consider necessary.

**124.D (1) The National Judicial Commission shall have a permanent secretariat and such investigation committees, secretaries, officers and employees as may be deemed necessary by the Commission and specified by regulation and Commission shall constitute such investigation committees and appoint such number of officers and employees for the discharge of functions of the Commission.**

Secretariat of the National Judicial Commission.

**(2) The terms and other conditions of service of officers and employees of the National Judicial Commission appointed under sub-section (1) shall be such as may be specified by regulations.**

**124E. The administrative expenses of National Judicial Commission including all salaries, allowances and pensions payable to or in respect of officers and employees of the Commission shall be charged upon the Consolidated Fund of India."**

Administrative expenses of the National Judicial Commission.

**4.** in Article 127 of the Constitution, in clause (1), for the words "the National Judicial Appointments Commission", the words "the National Judicial Commission", shall be substituted.

Amendment of article 127.

**5.** In article 128 of the Constitution, for the words "the National Judicial Appointments Commission", the words "the National Judicial Commission" shall be substituted.

Amendment of article 128.

**6.** In article 217 of the Constitution, in clause (1), for the words, "on the recommendation of the National Judicial Appointments Commission", the words, "on the recommendation of the National Judicial Commission" shall be substituted.

Amendment of article 217.

**7.** In article 222 of the Constitution, in clause (1), for the words, "on the recommendation of the National Judicial Appointments Commission", the words, "on the recommendation of the National Judicial Commission" shall be substituted.

Amendment of article 222.

**8.** In article 224 of the Constitution,—

Amendment of article 224.

(a) in clause (1), for the words, "in consultation with the National Judicial Appointments Commission", the words "in consultation with the National Judicial Commission", shall be substituted; and

(b) in clause (2), for the words "in consultation with the National Judicial Appointments Commission", the words "in consultation with the National Judicial Commission", shall be substituted.

**9.** In article 224A of the Constitution, for the words "the National Judicial Appointments Commission", the words "the National Judicial Commission" shall be substituted.

Amendment of article 224A.

## STATEMENT OF OBJECTS AND REASONS

The Judges of the Supreme Court are appointed under clause (2) of article 124 and the Judges of the High Courts are appointed under clause (1) of article 217 of the Constitution, by the President. The Ad-hoc Judges and retired Judges for the Supreme Court are appointed under clause (1) of article 127 and article 128 of the Constitution respectively. The appointment of Additional Judges and Acting Judges for the High Court is made under article 224 and the appointment of retired Judges for sittings of the High Courts is made under article 224A of the Constitution. The transfer of Judges from one Court is made under article 224A of the Constitution. The transfer of Judges from one High Court to another High Court is made by the President after consultation with the Chief Justice of India under clause (1) of article 222 of the Constitution.

2. The Supreme Court in the matter of the Supreme Court Advocates-on-Record Association Vs. Union of India in the year 1993, and in its Advisory Opinion in the year 1998 in the Third Judges case, had interpreted clause (2) of article 124 and clause (1) of article 217 of the Constitution with respect to the meaning of "consultation" as "concurrence". Consequently, a Memorandum of Procedure for appointment of Judges to the Supreme Court and High Courts was formulated, and is being followed for appointment.

3. Independence of judiciary is a basic feature and part of basic structure of the Constitution of India, as declared by the Hon'ble Supreme Court. Transparency and accountability in the matter of appointment of the Judges of the High Courts and Supreme Court is very much linked to this concept. It is widely accepted that the prevailing collegium system needs to be revisited in this regard. The Constitution (Ninety-ninth Amendment) Act, 2014 which proposed to establish a National Judicial Appointment Commission was held to be unconstitutional by the Hon'ble Supreme Court of India in the judgement in Supreme Court Advocates-on-Record Vs. Union of India (2016) 5 SCC 1.

4- After review of the relevant constitutional provisions, the pronouncements of the Supreme Court and consultations with eminent Jurists, it is felt that a new broad based National Judicial Commission should be established for making recommendations for appointment of Judges of the Supreme Court and High Courts. The said Commission would provide a meaningful role for the judiciary and all the important stakeholders to present their view points and make the participants accountable, while also introducing transparency in the selection process. The role of the executive in the whole process would be drastically curbed and curtailed. The Commission shall have independence and autonomy under the Constitution and shall have comprehensive powers for selection of Judges to the High Courts and Supreme Court and transfer of Judges of the High Courts.

5. The Bill proposes to amend the relevant provisions of the Constitution to set up a National Judicial Commission with comprehensive powers in the light of judgement in Supreme Court Advocates-on-Record Vs. Union of India. It seeks to substitute the articles 124A, 124B and 124C of the Constitution inserted by the Constitution (Ninety-ninth Amendment) Act, 2014 by new articles. It also seeks to bring about consequential amendment in articles 127, 128, 217, 22, 224A and 231 of Constitution. The said Bill also provides for the composition and the functions of the proposed National Judicial Commission with its own independent secretariat for its autonomous function. Further, it provides that Parliament may, by law, regulate the procedure for appointment of Judges and empower the National Judicial Commission to lay down procedure by regulation for the discharge of its functions, manner of selection of persons for appointment and such other matters as may be considered necessary.

6. The proposed Bill seeks to broaden the method of appointment of Judges in the Supreme Court and High Courts, transfer of the judges of the High Courts and for independent

inquiry for misbehaviour, misconduct and such misdemeanor of Judges. It brings about an independent autonomous constitutional institution having sufficient representation from the judiciary and important stakeholders for effective participation with greater transparency, accountability and objectivity in the appointment of the Judges in the Supreme Court and High Courts, transfer of Judges in the High Courts, and thereby strengthening independence and accountability of judiciary.

The Bill seeks to achieve the above objectives.

BIKASH RANJAN BHATTACHARYYA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill *inter-alia* provides for nomination of two eminent persons to the National Judicial Commission who would be entitled to such privileges, salaries and allowances equivalent to a Judge of the Supreme Court. Further, clause 3 of Bill also provides for a permanent secretariat and such investigation Committees, Secretaries, officers, staffs and employees as may be deemed necessary by the National Judicial Commission and that the administrative expenses of National Judicial Commission including all salaries, allowances and pensions payable to or in respect of officers, staffs and employees of the Commission shall be charged upon the Consolidated fund of India.

This Bill, if enacted, would involve expenditure from the Consolidated Fund of India. However, it is not possible to access the actual financial expenditure likely to be incurred at this stage.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

*	*	*	*	*	*
<b>124.</b>	*	*	*	*	*
<p>(2) Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal on the recommendation of the National Judicial Appointments Commission referred to in article 124A and shall hold office until he attains the age of sixty-five years:</p> <p>Provided that—</p> <p>(a) a Judge may, by writing under his hand addressed to the president, resign his office;</p> <p>(b) a Judge may be removed from his office in the manner provided in clause (4).</p>					<p>Establishment and constitution of Supreme Court.</p>
*	*	*	*	*	*
<p><b>124A.</b> (1) There shall be a Commission to be known as the National Judicial Appointments Commission consisting of the following, namely:—</p> <p>(a) the Chief Justice of India, Chairperson, <i>ex officio</i>;</p> <p>(b) two other senior Judges of the Supreme Court next to the Chief Justice of India—Members, <i>ex officio</i>;</p> <p>(c) The Union Minister in charge of Law and Justice—Member, <i>ex officio</i>;</p> <p>(d) two eminent persons to be nominated by the committee consisting of the Prime Minister, the Chief Justice of India and the Leader of Opposition in the House of the People or where there is no such Leader of Opposition, then, the Leader of single largest Opposition Party in the House of the People—Members:</p> <p>Provided that one of the eminent person shall be nominated from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities or Women:</p> <p>Provided further that an eminent person shall be nominated for a period of three years and shall not be eligible for renomination.</p> <p>(2) No act or proceedings of the National Judicial Appointments Commission shall be questioned or be invalidated merely on the ground of the existence of any vacancy or defect in the constitution of the Commission.</p>					<p>National Judicial Appointments Commission.</p>
<p><b>124B.</b> It shall be the duty of the National Judicial Appointments Commission to—</p> <p>(a) recommend persons for appointment as Chief Justice of India, Judges of the Supreme Court, Chief Justices of High Courts and other Judges of High Courts;</p> <p>(b) recommend transfer of Chief Justice and other Judges of High Courts from one High Court to any other High Court; and</p> <p>(c) ensure that the person recommended is of ability and integrity.</p>					<p>Functions of Commission.</p>
<p><b>124C.</b> Parliament may, by law, regulate the procedure for the appointment of Chief Justice of India and other Judges of the Supreme Court and Chief Justices and other Judges of High Courts and empower the Commission to lay down by regulations the procedure for</p>					<p>Power of parliament to make law.</p>

the discharge of its functions, the manner of selection of persons for appointment and such other matters as may be considered necessary by it.

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Appointment  
of ad hoc  
Judges.

**127.** (1) If any time there should not be a quorum of the Judges of the Supreme Court available to hold or continue any session of the Court, the National Judicial Appointments Commission on a reference made to it by the Chief Justice of India, may with the previous consent of the President and after consultation with the Chief Justice of the High Court concerned, request in writing the attendance at the sittings of the Court, as an ad hoc Judge, for such period as may be necessary, of a Judge of High Court duly qualified for appointment as a Judge of the Supreme Court to be designated by the Chief Justice of India.

\* \* \* \* \*

Attendance of  
retired Judges  
at sittings of  
the Supreme  
Court.

**128.** Notwithstanding anything in this Chapter, the National Judicial Appointments Commission] may at any time, with the previous consent of the President, request any person who has held the office of a Judge of the Supreme Court or of the Federal Court or who has held the office of a Judge of High Court and is duly qualified for appointment as a Judge of the Supreme Court to sit and act as a Judge of the Supreme Court, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that Court:

Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that Court unless he consents so to do.

\* \* \* \* \*

Appointment  
and  
Conditions of  
the office of a  
Judge of a  
High Court.

**217.** (1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal on the recommendation of the National Judicial Appointments Commission referred to in article 124A, and the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court, shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty-two years:

Provided that—(a) a Judge may, by writing under his hand addressed to the President, resign his office; (b) a Judge may be removed from his office by the President in the manner provided in clause (4) of article 124 for the removal of a Judge of the Supreme Court; (c) the office of a Judge shall be vacated by his being appointed by the President to be a Judge of the Supreme Court or by his being transferred by the President to any other High Court within the territory of India.

\* \* \* \* \*

Transfer of a  
Judge from  
one High  
Court to  
another.

**222.** (1) The President may, on the recommendation of the National Judicial Appointments Commission referred to in article 124A, transfer a Judge from one High Court to any other High Court.

\* \* \* \* \*

Appointment  
of additional  
and acting  
Judges.

**224.** (1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the president may, in consultation with the National Judicial Appointments Commission, appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify.

(2) When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, I [the President may, in consultation with the National Judicial Appointments Commission, appoint] a duly qualified person to act as a Judge of that Court until the permanent Judge has resumed his duties.

\* \* \* \* \*

**224A.** Notwithstanding anything in his Chapter, the National Judicial Appointments Commission on a reference made to it by the Chief Justice of a High Court for any State, may with the previous consent of the President, request any person who has held the office of a Judge of the High Court for that State, and every such persons so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that High Court:

Appointment of retired Judges at sittings of High Courts.

Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that High Court unless he consents so to do.

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RAJYA SABHA

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**BILL**

further to amend the Constitution of India.

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*(Shri Bikash Ranjan Bhattacharyya, M.P.)*

**Bill No. LXXV of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title  
and  
commencement.

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

2. In article 16 of the Constitution, after clause (6) the following clause shall be inserted,  
namely:—

Amendment  
of article 16.

"(7) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall  
10 prevent the State from making any special provision, by law, for the advancement of  
any socially and educationally backward classes of citizens or for economically weaker  
sections of citizens or for the Scheduled Castes or the Scheduled Tribes, to provide in  
their favour reservation of appointments or posts in private sector."

Amendment of article 124. **3.** In article 124 of the Constitution, after clause (1), the following proviso and Explanation shall be inserted, namely:—

"Provided that such number of Judges, as nearly as may be, equal to the proportion of the population of the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes to the total population of the country, shall be appointed from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, and the Other Backward Classes. 5

*Explanation.*— In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published. 10

Amendment of article 216. **4.** In article 216 of the Constitution, the following proviso and Explanations shall be inserted, namely:—

"Provided that such number of Judges, as nearly as may be, equal to the proportion of the population of the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes in the State to the total population of the State, shall be appointed from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, and the Other Backward Classes. 15

*Explanation I*—In this article, "State" includes all States and Union Territories that share a common High Court.

*Explanation II*—In this article, the expression 'population' means the population as ascertained at the last preceding census of which the relevant figures have been published." 20

## STATEMENT OF OBJECTS AND REASONS

The Indian Constitution was designed to provide special measures for the social and economic advancement of the historically oppressed communities in the country. The constitutional principles of distributive justice and economic upliftment are reflected through the various Fundamental Rights and Directive Principles of State Policies enshrined in the Constitution. Even after seven decades of promulgation of the Constitution, the marginalised groups in India suffer from multiple forms of discrimination in all spheres, especially in terms of employment opportunities.

With the move towards privatisation and liberalisation in the country, the scope for public sector entities has shrunk considerably, which has resulted in lesser job opportunities for the weaker sections who rely heavily on the State for their livelihood. On the other hand, the Indian private sector, which so far has been outside the purview of a quota system in recruitment, is pervaded with social exclusion and caste favouritism. The pre-existing income inequalities and unequal distribution of wealth and property in the country further exclude marginalised groups from participating in the organised private sector which forces them to engage in unskilled work. In such a scenario, affirmative action in the private sector is categorically required to ensure continuous socio-economic development of the marginalised communities.

Upliftment of the weaker sections is a stated objective of our country and thus reservation in employment opportunities is a social responsibility of the Government as well as the private sector. Reservation policy in the private sector will not only provide fair and non-discriminatory access to historically excluded groups, but at the same time would remove deterrents created by caste discrimination on labour markets, and thereby enhance competitiveness and economic growth.

Further even after 75 years of affirmative action, the disadvantaged and marginalised communities in the country are not adequately represented in the higher judiciary. As the guardian of the Constitution and the last resort to the millions of citizens, the Supreme Court of India influences the lives of each and every one in the country. Therefore, it is imperative that judges represent the broadest spectrum of society.

Since independence, a very small number of Judges belonging to marginalised communities were able to serve as Judges of the Supreme Court and High Courts. Caste-based reservation has been an integral part of the Indian principle of equality, therefore, its absence in the superior judiciary is unconvincing and needs to be rectified. Without a constitutional provision for reservation, it is highly improbable for persons from these communities to reach such eminent positions through natural means. Further, the existence of reservation in subordinate courts is reason enough for its introduction in higher courts as well.

India is a highly diverse country and its diversity should also be reflected in the higher judiciary. A more inclusive judiciary is also more likely to foster balanced and comprehensive discussions on matters related to caste, gender, access and equality. The first-hand knowledge of the issues pertaining to backward classes would also help in developing a more advanced understanding of the caste-based problems in the country.

In absence of a formal and written framework, representation in the higher judiciary could not be expanded on its own. A constitutional mandate in this regard would ensure that the superior courts are never under represented. Previously, Parliamentary Committees and National Commission for Scheduled Castes have also recommended similar provisions for the appointment of judges in the Supreme Court and High Courts. It is of utmost importance that equitable representation and fair play in the higher judiciary is secured through the channels of the Constitution.

The Bill seeks to achieve above-mentioned objectives.

PROF. MANOJ KUMAR JHA

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

Equality of opportunity in matters of public employment.

**16. (1)** There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

(6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.

\* \* \* \* \*

Establishment and constitution of Supreme Court.

**124. (1)** There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than seven other Judges.

\* \* \* \* \*

Constitution of High Courts.

**216.** Every High Court shall consist of a Chief Justice and such other Judges as the President may from time to time deem it necessary to appoint.

\* \* \* \* \*

RAJYA SABHA

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A

**BILL**

further to amend the Constitution of India.

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*(Prof. Manoj Kumar Jha, M.P.)*

**Bill No. LXXI of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and commencement.

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

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of article 84.

"(b) is not less than twenty-one years of age;"

10 3. In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of article 173.

"(b) is not less than twenty-one years of age;"

## STATEMENT OF OBJECTS AND REASONS

Article 84 and article 173 of the Constitution lay down the provisions of the Constitution relating to the qualification of membership of Parliament and State Legislatures, respectively. The articles stipulate the age for candidature for the representation of an individual in the House of the People, Council of States, Legislative Councils, and Legislative Assemblies of the States. The current qualification for membership of Parliament and State Legislature stipulates the age for candidates i.e. twenty-five years for the House of People and the Legislative Assemblies; and thirty years for the Council of States and the Legislative Council.

2. It is proposed in this Bill that the age for candidature shall be changed to twenty-one years for the House of People and Legislative Assemblies; and Council of States and Legislative Councils.

3. Youth of our country has been serving as public servants and contributing actively to the executive part of Indian Democracy. India has one of the youngest population in the world. More than fifty per cent of its population is estimated to be under twenty-five years. Young men and women actively engage in our electoral processes by exercising their franchise. A large number of youth from the age of twenty-one are also contributing to nation building and strengthening our democratic values at the grassroots through candidature at the Panchayat level. It is natural that those youth will lead our country by becoming public representatives at the Central and State level. This amendment to the Constitution of India will give an opportunity to the youth of this nation to contribute to legislation, by becoming a part of the Legislature of India.

This Bill seeks to achieve the above objectives.

JAYANT CHAUDHARY

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

*	*	*	*	*
<b>84.</b>	A person shall not be qualified to be chosen to fill a seat in Parliament unless he—			Qualification for membership of Parliament.
(a)*	*	*	*	*
(b)	is, in the case of a seat in Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and			
*	*	*	*	*
<b>173.</b>	A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he—			Qualification for membership of the State Legislature.
(a)*	*	*	*	*
(b)	is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and			
*	*	*	*	*

RAJYASABHA

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A  
BILL  
further to amend the Constitution of India.

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*(Shri Jayant Chaudhary, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LX of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.
2. In the Eighth Schedule to the Constitution— Amendment of Eighth Schedule.
  - (a) entry 22 shall be re-numbered as entry 23; and
  - (b) before entry "23" as so re-numbered, the entry "22. Tulu." shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

Tulu is a Dravidian language which is spoken by a large number of people living in the two southern coastal districts of Karnataka and Kasaragod district of Kerala. As per the latest census, there are 18,46,427 native speakers of the Tulu language. Tulu is a rich language with a great cultural tradition that dates back to the fourteenth and fifteenth centuries. Many Linguists including S.U. Panniyadi, L.V. Ramaswami Iyer and P.S. Subrahmanya stated that Tulu is one of the oldest Languages in the Dravidian family which split autonomously from its Proto-Dravidian roots nearly 2,000 years ago. The famous linguist Robert Caldwell also conducted a detailed study of the Tulu language and called it one of the most developed Dravidian languages. Even though the Tulu language has been generating much enthusiasm amongs linguists, Tulu is the only 'developed language' that has not yet received official recognition. The language is now struggling to preserve its separate identity and rich cultural heritage. The inclusion of Tulu into the Eighth Schedule to the Indian Constitution shall certainly enhance the status of the language and shall place it on equal footing with other official languages.

The demand to include Tulu in the Eighth Schedule to the Constitution has a long history of peaceful campaigns and deliberations. Yet, the demand is continuously neglected, while other languages with a smaller number of speakers are already included in the Eighth Schedule. Hence, the demand for the recognition of Tulu as an official language reflects the genuine concern of the native people, their cry for denial of justice and their struggle for equality. Apart from that, article 29 of the Constitution deals with the "Protection of interests of minorities" and clause (1) states that "*Any section of the Citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.*" Therefore, the official recognition of the Tulu language would be in the spirit of article 29 of the Constitution. In order to protect, preserve and uphold the rich linguistic culture and tradition of the Tulu-speaking people, it is critically important to recognise the Tulu language as an official language of the country and incorporate the same into the Eighth Schedule to the Constitution of India.

Hence, this Bill.

SANDOSH KUMAR P.

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

EIGHTH SCHEDULE

[Articles 344(1) and 351]

Languages

1. Assamese.
2. Bengali.
3. Bodo.
4. Dogri.
5. Gujarati.
6. Hindi.
7. Kannada.
8. Kashmiri.
9. Konkani.
10. Maithili.
11. Malayalam.
12. Manipuri.
13. Marathi.
14. Nepali.
15. Odia.
16. Punjabi.
17. Sanskrit.
18. Santhali.
19. Sindhi.
20. Tamil.
21. Telugu.
22. Urdu.

RAJYA SABHA

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A

BILL

further to amend the Constitution of India.

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*(Shri Sandosh Kumar P., M.P.)*

**Bill No. LVIII of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constituion of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title, and  
commencement.

(2) It shall come into force at once.

5 2. After article 21A of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
21B.

21B. (1) The State shall ensure employment and living wages to all adult citizens in such manner as the State may, by law, determine:

Right to  
employment.

10 Provided that in case of failure to ensure employment and living wages to adult citizens, the State shall provide for monetary compensation in such manner as the State may, by law, determine.

## STATEMENT OF OBJECTS AND REASONS

The guarantee to employment is a very important factor for quality of life and liberty of an individual, as well as the society. As a developing nation it is important that all individuals in the nation get employment and decent wages.

The Bill proposes to provide every adult citizen the right to employment, or else, a decent amount as compensation.

Only a monitored and ensured mechanism by the State can ensure the achievement of the purpose.

The proposed legislation, hence, is required to ensure the quality of living of every individual, and thereby the progress of the nation.

The Bill seeks to achieve this objective.

DR. V. SIVADASAN

## FINANCIAL MEMORANDUM

Clause 2 of the Bill *inter alia* provides for monetary compensation to the adult citizens to whom the State fails to ensure employment and living wages. This Bill, therefore, would involve recurring expenditure from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure likely to be incurred at this state.

RAJYA SABHA

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A

**BILL**

further to amend the Constitution of India.

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*(Dr. V. Sivadasan, M.P.)*

**Bill No. LXVI of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.
2. In article 102 of the Constitution, after clause (2), the following clause shall be inserted, namely,— Amendment of article 102.
- “(3) A person shall be disqualified for being a member of either House of Parliament if he has ever been a Governor of a State.”
- 10 3. For article 155 of the Constitution, the following article shall be substituted, namely,— Substitution of article 155.
- ”155. (1) The Governor of a State shall be appointed by the President by warrant under his hand and seal, after obtaining the concurrence of the Chief Minister of the State. Appointment of Governor.

(2) The President may appoint any Governor of a State to hold full additional charge as the Governor of another State, on a temporary basis, for a period not exceeding six months, in case a vacancy has arisen which cannot be immediately filled."

Amendment  
of article 156.

4. In article 156 of the Constitution,—

(1) for clause (1), the following clause shall be substituted, namely,— 5

"(1) The Governor shall hold office for a term of five years;

Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office."

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

"(3) A Governor may be removed from office before the expiry of his term 10  
by the President only on recommendation of the Chief Minister of that State:

Provided that the President shall however, remove a Governor from office without the recommendation of the Chief Minister, if the Governor suffers from any of the disqualifications specified in article 157 after his appointment." 15

Amendment  
of article 157.

5. For article 157 of the Constitution, the following article shall be substituted, namely,—

Qualifications  
and  
disqualifications  
for  
appointment  
as Governor.

"157. (1) No person shall be eligible for appointment as Governor unless he—

(a) is a citizen of India and has completed the age of thirty- five years; and

(b) is an eminent personality in some walk of life. 20

(2) A person shall be disqualified for appointment as Governor if he—

(a) has attained the age of seventy-five years;

(b) he has been in the employment of the Union or State Government or any Union or State owned undertaking or body or corporation or agency, or any local authority in the preceding ten years; 25

(c) he has served as a Minister in the Union, any State or Union Territory Government in the preceding ten years;

(d) he has served as a Member of either House of Parliament or of a House of Legislature of any State in the preceding ten years;

(e) he has been a Judge of the Supreme Court of India or any High Court; 30

(f) he has been a member of any Panchayat or Municipality in the preceding ten years;

(g) he has been an office bearer of a registered or recognised political party in the preceding ten years;

(h) has had a charge framed against him by a Court for an offence involving moral turpitude; 35

(i) had been convicted of any criminal offence with a punishment of one year or more;

(j) is of unsound mind and stands so declared by a competent court;

(k) is an undischarged insolvent; 40

(l) has ever been disqualified under the Tenth Schedule;

(m) he ordinarily resides within that State."

Amendment  
of article 158.

6. In article 158 of the Constitution, after clause (4), the following clause shall be inserted, namely—

"(5) Any person who has held the office of Governor of a State shall not be appointed to any other public office for a period of ten years."

7. In article 191 of the Constitution, after clause (2), the following clause shall be inserted, namely— Amendment  
of article 191.

5                   "(3) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he has ever been a Governor of a State."

## STATEMENT OF OBJECTS AND REASONS

The Constitution of India states that the executive power of the State vests in the Governor. The Governor being a head of the State is however expected to exercise that power as per the aid and advice of the Cabinet of the State. The Governor is appointed by the President of India, on the recommendations of the Union Cabinet. The Governor serves at the pleasure of the President.

2. During the Constituent Assembly Debates the framers of our Constitution foresaw a Governor who would be a "guide, philosopher and friend of the Ministry as well as the people in general". The Governor performs important Constitutional functions, which require him to be impartial and a person of impeccable integrity. Democracy is the lifeblood of our Constitution. It is only to establish a democratic government that our freedom fighters sacrificed their lives to fight the British. It may therefore appear odd that they chose to vest the executive powers of an elected State Government in an unelected Governor. The answer to this perplexing puzzle is two fold—firstly that they always imagined that the Governor would act in line with the aid and advice of his elected Cabinet and secondly that a person who adorns the office of Governor will be of the highest caliber, integrity and personality. When even one of these two conditions break down, chaos ensues and the will of the people can be defeated by a single individual. There are not enough safeguards in the Constitution against such a break down. It was predicted by one learned member of the Constituent Assembly who foretold that if the Governor serves at the pleasure of the President, "he will be purely a creature of the President, that is to say, the Prime Minister and the party in power at the Centre".

3. There are three broad issues with the way Governors are appointed and function under our Constitution—(i) they are appointed by and can be removed by only the President, by extension, the party in power at the Centre; (ii) the State to which they are appointed has no say whatsoever in the Governor's appointment or removal; (iii) there are no sufficient qualifications, disqualifications and safeguards prescribed in the Constitution for a person to be appointed to the highest office in the State.

4. In so far as the first issue, it cannot be gainsaid that a Governor who turns political must cease to be a Governor. The time is nigh for appointing neutral, apolitical and impartial persons as Governors.

5. This brings us to the pool from which we appoint Governors. The only way to remedy this situation is to ensure that persons who have been engaged in active politics either as party office bearers or members of houses of Legislature or Parliament do not get appointed as Governors during a cooling off period of ten years. Further, those persons who have served in Government or Government undertaking, corporations etc. must not be appointed as Governors immediately since they would be loyal to the person who was their political boss until recently. It is unrealistic to expect them to suddenly turn impartial and neutral.

6. There is no reason why the elected *de facto* head of the State should not be consulted while appointing or removing a Governor. The Chief Minister of the State is entrusted with the people's mandate, the strongest authority available under our constitution. Such pre-appointment consultation is bound to reduce friction between the Governor and the Cabinet, and will improve their working relationship. It is therefore desirable for a better administration of the State that the President appoints the Governor after obtaining the consent of the Chief Minister of the State.

7. Further, the appointment of the Governor at the pleasure of the President is a colonial hangover that has to be banished. A high constitutional authority who is the head of the State should not serve at the pleasure of anybody, even the President. A Governor must be appointed for a fixed term of five years and may be removed by the President only after consulting with the Chief Minister of the State or upon attaining any of the disqualifications prescribed.

8. Article 157 does not prescribe qualifications and disqualifications for holding office of the Governor. When qualifications have been prescribed even for a member of a Panchayat, it is not desirable that no minimum standards are set for choosing the Governor of a State. The individual performing crucial constitutional functions like inviting persons to form Government after an election must fulfill certain basic criteria. States also spend hundreds of crores on maintaining the Governor and his infrastructure. The Constituent Assembly was of the view that a Governor must not be known to be part of the local politics of that State or of the Union and desired to bring people who are outside of politics and are of eminent stature in other walks of life. The mind of a Governor should be free of any political likes or dislikes, or party politics or expectations of future appointments after his tenure expires. His entire devotion should be towards performing his constitutional duties in the interest of the State and work in accordance with the constitutional goals and ethos. To maintain his neutrality and impartiality to the people of the State and the Constitution, the appointee should not be connected with any political party or have recently retired from Government service.

9. It also cannot be gainsaid that our democracy has evolved to a point where persons with criminal antecedents are being washed away from mainstream politics. Therefore, it is only natural that a person with criminal antecedents must not be appointed as Governor of a State. Similarly, a lunatic or a declared insolvent must not be appointed as Governor.

10. Recently, we have also been acting on an unwritten rule that persons from the same State are not appointed as Governor of their home State. This is because they are bound to have some political views, even if they are not outwardly members of any party. It is time to codify the said rule.

11. It has been the practice for the President to appoint the Governor of one State to hold full additional charge as Governor of another State when a vacancy arises that could not immediately be filled. However, there is no enabling provision in the Constitution to do so.

It is therefore, proposed to amend the Constitution to achieve the above objectives.

Hence, this Bill.

P. WILSON.

*ANNEXURE*

EXTRACTS FROM THE CONSTITUTION OF INDIA

	*	*	*	*	*
Appointment of Governor.		<b>155.</b>	The Governor of a State shall be appointed by the President by warrant under his hand and seal.		
Term of office of Governor.		<b>156.</b>	(1) The Governor shall hold office during the pleasure of the President.		
	*	*	*	*	*
		(3)	Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office:		
			Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.		
Qualifications for appointment as Governor.		<b>157.</b>	No person shall be eligible for appointment as Governor unless he is a citizen of India and has completed the age of thirty-five years.		
	*	*	*	*	*

RAJYA SABHA

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A

**BILL**

further to amend the Constitution of India.

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*(Shri P. Wilson, M.P.)*

**Bill No. LXIV of 2022**

THE GORKHA SCULPTORS, ARTISTS AND ARTISANS OF  
DARJEELING HILLS WELFARE BILL, 2022

A

BILL

*to provide for the welfare of traditional sculptors, artists and artisans of Darjeeling Hills area belonging to the Gorkha community and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy Third Year of the Republic of India as follows:—

1. (1) This Act may be called the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Act, 2022. Short title and commencement.

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

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

10 (a) "artisan" means any person belonging to the Gorkha community engaged in making useful, decorative or artistic items manually from leaves or weeds or bamboo or any other material by traditional means in Darjeeling Hills area for earning his livelihood;

(b) "artist" means any person belonging to the Gorkha community who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skill to public in Darjeeling Hills area;

(c) "Board" means the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Board set up under section 4; 5

(d) "Fund" means the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Fund set up under section 3;

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

(f) "sculptor" means any person belonging to the Gorkha community engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in Darjeeling Hills area for earning his livelihood. 10

Setting up of the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Fund.

**3. (1) The Central Government shall set up a Fund to be known as the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Fund.**

**(2) The Central Government and State Governments shall contribute to the Fund in such proportion, as may be prescribed.** 15

Setting up of Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Board.

**4. (1) The Central Government shall set up a Board to be known as the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Board for carrying out the purposes of this Act.**

**(2) The Board shall consist of following members, nemely:—**

**(a) the Union Rural Development Minister who shall be its Chairperson, ex-officio;** 20

**(b) five members representing the Non-Governmental Organisations working for the welfare of sculptors, artists and artisans in rural areas of West Bengal, to be appointed by the Central Government; and**

**(c) five members representing the sculptors, artists and artisans in rural areas, to be appointed by the Central Government.** 25

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

Functions of the Board.

**5. (1) The Board shall administer the Fund for the welfare of Gorkha Sculptors, artists and artisans of Darjeeling Hills Area.** 30

(2) Without prejudice to the generality of the foregoing provision, the Fund shall also be used for,—

(a) payment of compensation to the next of kin of the sculptors, artists and artisans in the event of death during work;

(b) payment of premium for life insurance; 35

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to sculptors, artists and artisans and their family members;

(f) housing facility at subsidised rate; and 40

(g) financial assistance to sculptors, artists and artisans for production and marketing of their products and organization and advertisement of events.

6. The Board shall submit every year a report, in such form and manner as may be prescribed, of its activities to the Central Government. Annual Report.

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

5 (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  
10 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 Gorkha Sculptors, Artists and Artisans working in the Darjeeling Hills areas are living in a miserable condition. The benefits of development have not reached them. In the age of globalisation and information technology, it has become very difficult for these people to earn their livelihood.

2. Several generation of these Sculptors, Artists and Artisans have spent their whole life to keep alive these traditional arts and for providing other useful articles and entertainment to the community. Despite public recognition, these people are not able to meet the both ends due to meagre income.

3. In Hilly areas, the traditional folk arts are popular means of entertainment. But due to lack of awareness and proper publicity and lack of central government support, it is increasingly becoming difficult for them to earn their livelihood. In spite of hardship, these people are engaged in preserving our traditional art. Government should come forward to provide assistance to these folk artists so that they can lead a dignified life.

4. In view of the miserable condition of these artists, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their welfare.

5. The Bill seeks to achieve the above objectives.

SHANTA CHHETRI

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fund to be known as the Gorkha Fund Welfare. Sculptors, Artists and Artisans of Darjeeling Hills. Clause 4 provides for setting up of a Board to administer the Gorkha Fund for the Welfare of Sculptors, Artists and Artisans in the Darjeeling Hills area. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees fifty crore. A non-recurring expenditure of about rupees Ten Crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYASABHA

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A

BILL

to provide for the welfare of traditional sculptors, artists and artisans of Darjeeling Hills area belonging to the Gorkha community and for matters connected therewith or incidental thereto.

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*(Smt. Shanta Chhetri, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LXXXIX of 2022**

THE GUARANTEED DELIVERY OF PUBLIC SERVICES AND  
ACCOUNTABILITY BILL, 2022

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ARRANGEMENT OF CLAUSES

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CLAUSES

CHAPTER I

PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER II

RIGHT TO SERVICE

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SCHEDULES

THE SCHEDULE

**Bill No. LXXXIX of 2022**

THE GUARANTEED DELIVERY OF PUBLIC SERVICES AND  
ACCOUNTABILITY BILL, 2022

A

**BILL**

*to guarantee the delivery of services within specified time limits to all citizens, the publication of the citizens' charter and other disclosures by all public authorities, the establishment of digital portals and facilitation centres for service delivery, and the processing and monitoring of grievances related thereto; to provide for the establishment of Grievance Redressal Authority to ensure accountability and prompt remedy for denial of services and the establishment of a National Grievance Redressal Commission to hear appeals and prescribe social audit standards for all public authorities and for matters connected therewith or incidental thereto.*

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

CHAPTER I

PRELIMINARY

5      **1.** (1) This Act may be called the Guaranteed Delivery of Public Services and Accountability Act, 2022.

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

Short title  
and  
commencement.

Definitions.

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

(a) "action taken report" means the report provided to the complainant under clause (e) of sub-section (2) of section 3 and certified by the Grievance Redressal Officer;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; 5

(c) "Authority" means the Grievance Redressal Authority constituted under section 14;

(d) "Centre" means the Integrated Digital Centre notified under section 8;

(e) "Commission" means the National Public Grievance Redressal Commission constituted under section 23; 10

(f) "Chief Commissioner" and "Commissioner" mean the Chief Commissioner and Commissioner appointed under section 24;

(g) "Citizens Charter" means the citizens charter published under Section 4 containing particulars provided in Schedule I; 15

(h) "competent authority" means the Head of the Department of the Central Government or any public authority;

(i) "Complaint" means a complaint lodged under section 10 in relation to,—

(i) any failure in the functioning of a public authority or violation of any law, rules, or schemes currently in force; 20

(ii) any grievance relating to, or arising out of, a failure in the delivery of goods or provision of services notified by the Central Government; or

(iii) any violation of duties and obligations upon public officials responsible for delivery of goods or rendering of services under this Act;

(j) "Council" means the National Public Service and Accountability Council established under section 35; 25

(k) "electronic mode" includes any method, process, or application to deliver any service electronically;

(l) "electronic service delivery" means the delivery of services through electronic mode including the receipt of complaints, forms, and applications, issue or grant of any license, permit, certificate, sanction or approval and the receipt or payment of money; 30

(m) "Grievance Redressal Officer" means a Grievance Redressal Officer appointed under section 9;

(n) "Grievance Redressal Mechanism" means the mechanism for redressal of public grievances as established under the Act; 35

(o) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

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

(q) "public authority" means any authority or body or institution of self-government established or constituted,— 40

(i) by or under the Constitution;

(ii) by any other law made by the Parliament;

(iii) by notification issued or order made by the appropriate Government, and includes,—

(a) body owned, controlled or substantially financed; or

5 (b) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government; or

(c) an organisation or body corporate in its capacity as an instrumentality of "State" as defined under article 12 of the Constitution and rendering services of public utility in India; or

10 (d) a Government company as defined under the Companies Act, 2013; or

18 of 2013. (e) any other company which supply goods or render services in pursuance of an obligation imposed under any Union Act; or

(f) under any licence or authorisation under any law for the time being in force or by the appropriate Government; or

15 (g) by an agreement or memorandum of understanding between the Central Government and any private entity as Public-Private Partnership or otherwise;

(r) "public hearing" means the "Jan Sunwai" conducted at such levels and in such frequency specified under Section 11;

20 (s) "service" means all the goods and services, entitlements, benefits, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority;

25 *Explanation.*—For removal of doubts, the expression "service" shall include the rights guaranteed under this Act and the duties and obligations of public authorities and officials thereof.

(t) "service provider" means any individual, agency, company, partnership firm, sole proprietor firm or any other body or agency which has been authorized by the appropriate Government to offer services;

(u) "social audit" means audit conducted under section 39;

## 30 CHAPTER II

### RIGHT TO SERVICE

3. (1) Every citizen shall have the right to service and redressal of grievances in accordance with provisions of this Act. Right to Service.

35 (2) Without prejudice to the generality of the provisions contained in sub-section (1), the right to service shall include the right to:—

(a) be informed of services provided by every public authority and the obligations and duties of public officials in relation to delivery of service;

(b) delivery of service within the stipulated time limit;

(c) submit grievances and demands relating to delivery of services;

40 (d) an opportunity of public hearing on a complaint;

(e) an explanation of decisions on complaints in the form of action taken report;

(f) receive compensation for failure in delivery of service;

(g) independent adjudication of appeals;

(h) demand protection against victimization;

(i) receive compensation for injury or harm suffered; and

(j) access records pertaining to delivery of goods and provision of services, budget, expenditure, and audit statements through integrated digital platforms and such other means notified under this Act;

5

(3) The Central Government may, by notification from time to time, notify services to which the provisions of this Act shall apply:

Provided that the services rendered under any law, rules, or schemes currently in force shall be deemed to be notified.

CHAPTER III

10

CITIZENS CHARTER AND DUTIES AND OBLIGATIONS OF PUBLIC OFFICIALS

Citizens' Charter.

4. (1) Subject to other provisions of this section, every public authority shall publish a Citizens' Charter containing particulars specified in Schedule I and in such manner as may be prescribed.

(2) The public authority may consult such officials, experts, stakeholders, and persons for inputs in preparing and revising the Citizens' Charter.

15

(3) The public authority shall publish the draft Citizens Charter, or amendments thereto, to receive comments from relevant stakeholders in the manner as may be prescribed.

Functions and obligations of public officials.

5. Every public authority shall publish a statement of functions and responsibilities containing particulars specified in Schedule I for each public official responsible for delivery of services in such manner as may be prescribed.

20

Duties of Competent Authority.

6. Subject to any rules as may be prescribed, the competent authority of every public authority shall be responsible for,—

(a) updating and verifying the accuracy of the citizens charter and the statement of functions and obligations of public officials from time to time;

25

(b) publishing the draft citizens charter and receiving comments and feedback from stakeholders;

(c) disseminating the citizens charter and the statement of functions and obligations of public officials through electronic mode and such other means necessary to ensure wider publicity; and

30

(d) providing assistance to any person who is unable to obtain access to the materials.

CHAPTER IV

INTEGRATED DIGITAL SERVICES

Integrated digital portals.

7. (1) The Central Government shall establish such number of integrated digital portals as may be necessary to—

35

(a) deliver services through electronic mode;

(b) provide access to citizens charter of every public authority and statement of functions and obligations of public officials;

(c) track the details of beneficiaries of services and expenditure of public authorities;

40

(d) file complaints, special complaints, and appeals and tracking of status thereof;

(e) provide access to social audits; and

(f) such other matters as may be notified by the Central Government.

(2) The Central Government may, from time to time, notify appropriate standards for information sharing and management of integrated digital portals.

5 **8. (1) The Central Government shall designate such number of centres in every State as Integrated Digital Centre to facilitate delivery of services and carry out other activities under this Act.**

Integrated  
Digital  
Centres.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), every centres shall:—

10 (a) inform the eligibility for delivery of services and the process for obtaining thereof; and

(b) receive complaints, special complaints, and appeals and inform the status thereof;

## CHAPTER V

### COMPLAINT

15 **9. (1)** Every public authority shall, within one hundred and twenty days from the date of commencement of the Act, designate as many officers as Grievance Redressal Officers in all administrative units or offices under it as may be necessary to receive complaints and provide redressal of grievances in accordance with this Act:

Redressal of  
Grievances by  
Grievance  
Redressal  
Officers.

20 Provided that the Grievance Redressal Officer so designated is at least one level superior to the official in-charge of delivery of service and shall be deemed to have administrative control over the concerned official delivering the service.

(2) The Central Government shall constitute a panel to be known as the Panel for Public Hearing, at such appropriate level as may be specified, to afford an opportunity of public hearing in accordance with this Act.

25 **10. (1)** Any aggrieved citizen may submit a complaint,—

Lodging of  
complaint.

(a) either orally or in writing to the concerned public authority; or

(b) either orally or in writing to the concerned official at the Integrated Digital Centre; or

(c) through the concerned Integrated Digital Portal; or

30 (d) through such other means as notified by the Central Government:

Provided that complaints submitted orally shall be reduced to writing by the concerned public authority or the public official at the Centre, as the case may be:

35 Provided further that the Grievance Redressal Officer or the official at the Centre, as the case may be, shall render all possible assistance to persons who are unable to submit the complaint in writing.

(2) The complainant shall be given an acknowledgment receipt containing the date of lodging such complaint, the details of the concerned Grievance Redressal Officer, and such other information as may be prescribed,

40 (a) within two working days from the date when the complaint was made to the concerned Grievance Redressal Officer; or

(b) immediately upon receiving the complaint made at the Centre or the concerned Integrated Digital Portal.

45 (3) Where a complaint made to a public authority is more closely connected with the functions of another public authority, the concerned Grievance Redressal Officer shall transfer the complaint or such part of it as may be appropriate to that other public authority and inform the complainant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than two working days from the date of receipt of the complaint.

Public hearing  
of complaint.

**11.** (1) Every complaint lodged under this Act shall be listed before the appropriate panel within fifteen days from the date of lodging of the complaint. 5

(2) The attendance of the concerned Grievance Redressal Officer for each complaint shall be mandatory.

(3) The panel, on receipt of a complaint under sub-section (1), shall—

(a) examine the action taken report if made available by the concerned Grievance Redressal Officer; 10

(b) require the concerned Grievance Redressal Officer to inform the details of action taken, or proposed to be taken, in relation to the complaint;

(c) give an opportunity to the complainant to address the concerned Grievance Redressal Officer during open proceedings; and

(d) give suggestions and feedback to the concerned Grievance Redressal Officer for effective and expeditious redressal of complaint. 15

(4) The panel shall keep a record of minutes of proceedings and publish of the same in a manner as may be prescribed:

Provided that a copy of the said minutes is made available through designated portals within two working days from the date when the public hearing was held. 20

Disposal of  
complaint.

**12.** (1) The Grievance Redressal Officer, on receipt of the complaint, shall endeavor to dispose of the same as expeditiously as possible, and not exceeding thirty days from the date of lodging:

Provided that the complaints relating to urgent matters shall be disposed of within two working days from the date of its lodging. 25

(2) Notwithstanding anything contained in sub-section (1), the Grievance Redressal Officer shall, in the order disposing of the complaint record,—

(a) the details of officers responsible for providing redressal and the cause for occurrence of the grievance if any; and

(b) findings of the complaint in the form of an action taken report containing such particulars and in such manner as may be prescribed. 30

(3) Where the Grievance Redressal Officer is of the opinion that any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall impose a lump sum penalty on such public official or service provider: 35

Provided that the penalty so imposed shall not be less than five thousand rupees and not more than twenty five thousand rupees.

(4) Where the Grievance Redressal Officer is of the opinion that any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall refer the matter to the competent authority to initiate disciplinary action against such public official or service provider. 40

(5) Where the Grievance Redressal Officer is of the opinion that *prima facie*, there exists a case of offence punishable under the Prevention of Corruption Act, 1988 or other penal laws, it shall direct the competent authority to register a criminal complaint. 49 of 1988  
45

13. The Grievance Redressal Officer shall, for the purposes of its functions under this Act, have the powers to,—

Powers of Grievance Redressal Officer.

(a) inspect the site of grievance with prior intimation to the complainant;

5 (b) call for production of any document or other material object producible as evidence; and

(c) receive evidence on affidavits; and

(d) such other matter which may be prescribed.

(2) The Grievance Redressal Officer may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action  
10 to redress a complaint.

(3) Any officer, whose assistance has been sought under sub-section (2), shall render all assistance to the Grievance Redressal Officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be deemed to be a Grievance Redressal Officer for the purposes of this Act.

15

## CHAPTER VI

### CENTRAL GRIEVANCE REDRESSAL AUTHORITY

14. (1) The Central Government shall, by notification, establish an Authority to be known as the Central Grievance Redressal Authority to exercise jurisdiction in relation to:—

Central Grievance Redressal Authority.

(a) appeals against the orders of Grievance Redressal Officer;

20 (b) special complaints or petitions lodged under this Act;

(c) matters pertaining to penalties and compensation referred by the Grievance Redressal Officer; and

(d) such other matters as may be prescribed.

(2) The seat of the Authority shall be at such place as decided by the Central  
25 Government.

15. (1) The Authority shall consist of—

Composition of Authority.

(a) a Chairperson, appointed by the Central Government in a manner as may be prescribed:

30 **Provided that he shall be a person of proven ability and integrity having experience and knowledge of at least fifteen years in governance, law, development, economics, finance, management, public affairs or administration:**

**Provided further that the Central Government may appoint any officer from the All India Services as the Chairperson of the Authority;**

35 (b) a Secretary appointed by the Central Government, in consultation with the Authority, to exercise such powers and perform such duties as may be prescribed;

(c) such number of other officers and employees of the Authority, as may be prescribed:

40 **Provided that the Authority may appoint such consultants required to assist the Chairperson in discharge of their functions, on the terms and conditions as may be prescribed.**

16. (1) The Chairperson of Authority shall hold office for a term of three years from the date of appointment and shall be eligible for reappointed:

Terms of office and conditions of service of Chairperson and other officials.

**Provided that no Chairperson shall hold office as such after attaining the age of sixty five years.**

**(2) The salaries, allowances and other terms and conditions of service of the Chairperson, Secretary and the other officers and employees of the Authority shall be decided in a manner as prescribed.**

Disposal of appeal.

17. (1) The Central Authority shall decide the appeal within a period not exceeding thirty days from the date when the appeal is filed. 5

Provided that the complaints relating to urgent matters shall be disposed of within two working days from the date of its lodging.

(2) The Authority shall have the power to make regulations to regulate its own procedure and subject to rules as may be prescribed.

(3) For disposal of appeal, the Authority, may:— 10

(a) call for the records;

(b) carryout an inquiry to ascertain the facts if deemed necessary; and

(c) identify the officers responsible for resolving the grievance and record the circumstances for occurrence of the grievance.

Directions of Central Grievance Redressal Authority in appeals.

18. (1) Where the Authority is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall impose a lump sum penalty on such public official or service provider: 15

Provided that the penalty so imposed shall not be less than five thousand rupees and not more than twenty five thousand rupees. 20

(2) On imposition of the penalty under sub-section (1), the Authority, may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appelland, as compensation, as it may deem fit:

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section. 25

(3) Where the Authority, is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it shall refer the matter to the competent authority to initiate disciplinary action against such public official or service provider: 30

Provided that the competent authority shall submit a report on the disciplinary and administrative action initiated against the concerned officer within thirty days of such communication from the Commission.

(4) Where it appears that the grievance complained of is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, or a violation of any other criminal legislation, the Authority, shall 35  
49 of 1988.

(a) recommend the competent authority to initiate action as per the applicable law and seek an action taken report within thirty days.

(b) refer the matter to the Central Bureau of Investigation established under Delhi Special Police Establishment Act, 1946. 40  
25 of 1946.

(5) Where the Authority, is of the opinion that the failure in delivery of service has caused undue hardship to the complainant, or because of willful negligence on the part of concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, it shall grant such amount as compensation to the complainant: 45

Provided that the compensation awarded shall not be less than five thousand rupees and not more than twenty five thousand rupees:

Provided further that the compensation awarded due to willful negligence of the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, the competent authority shall recover the said amount from such officials.

(6) The Authority, may share feedback on the implementation of the public programs with appropriate Government and recommend measures for improved delivery of the same.

**19.** (1) In relation to subject matters specified in sub-section (3), any person may submit a special complaint :—

Special complaints.

(a) in writing to the Authority;

(b) in writing or orally to the concerned public official at centre;

(c) through the concerned integrated digital portal; or

(d) through such other means notified by the Union Government.

(2) The complainant shall be given an acknowledgment receipt containing the date of lodging, the details of concerned Grievance Redressal Officer, and such other information as may be prescribed,—

(a) within two working days from the date when the complaint was made to the concerned Grievance Redressal Officer; and

(b) immediately upon receiving the complaint made at the Centre or concerned integrated digital portal.

(3) The subject matter of the petitions or special complaints may involve one or all of the following:—

(a) any violation of provisions relating to the Citizens Charter and statement of functions and obligations of public officials;

(b) inability to lodge a complaint under section 10 of this Act for any reason including the refusal by the Grievance Redressal Officer or the Integrated Digital Centre, as the case may be, to accept the same;

(c) a failure to organize public hearings as per the provisions of this Act;

(d) a demand for protection against victimization;

(e) a demand for compensation for injury or harm;

(f) a failure to conduct social audits as per provisions of this Act; and

(g) such other matters as may be prescribed in rules.

**20.** The Authority, shall dispose off the special complaint or petition within a period not exceeding thirty days from the date lodged:

Disposal of special complaints or petitions.

Provided that the complaints relating to urgent matters shall be disposed off within two working days from the date of its lodging.

**21.** (1) The Authority in pursuance of section 20 may issue appropriate directions to the concerned functionary to redress the grievance expeditiously.

Directions of the Authority in special complaints.

(2) If the Authority, upon enquiry finds that any person is being victimized, or likely to be victimized, on the ground that such person or their relation has filed a complaint or appeal under this Act, shall,—

(a) refer the special complaint or petition to the District Collector or Deputy Commissioner to consider the grant for protection against victimization; and

(b) refer the application to the competent authority for appropriate disciplinary action against persons responsible for victimization:

Provided that the applicant and the persons accused of such victimization are given an opportunity to be heard before issuing appropriate directions.

*Explanation.*—For the purpose of this provision, victimization includes any act of threat, harassment, or other harms received by the aggrieved person or members of their family in relation to any grievance under this Act. 5

- (c) a demand for protection against victimization;
- (d) a demand for compensation for injury or harm;
- (e) a failure to conduct social audits as per provisions of this Act; and 10
- (f) such other matters as may be specified in rules.

Powers of the Central Grievance Redressal Authority.

**22. (1)** The Authority shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters while deciding matter pertaining to this Chapter:— 5 of 1908

- (a) summoning and enforcing the attendance of any person and examining him on oath; 15
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record; 20
- (e) issuing summons for the examination of witnesses;
- (f) reviewing its decisions, directions and orders; and
- (g) any other matter which may be prescribed:

Provided that the Authority, shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure. 25 5 of 1908

(2) Where the Authority, is satisfied that there are reasonable grounds to inquire into the matter, it may take up the cause *suo moto* and decide the matter as if it is registered as an appeal or special complaint under this Act. 30

## CHAPTER VII

### THE NATIONAL GRIEVANCE REDRESSAL COMMISSION

National Grievance Redressal Commission.

**23. The Central Government shall constitute a Commission to be known as the National Grievance Redressal Commission for the purpose of this Act to hear appeals against orders made by the Central Grievance Redressal Authority.** 35

Composition of the Commission.

**24. (1) The Commission shall consist of—**

- (a) a Chief Commissioner,
- (b) at least four Commissioners:

**Provided that the decision to appoint excess number of Commissioners shall be determined on the basis of:—** 40

- (a) the number of appeals and revisions received by the Commission; and
- (b) the number of cases that a Commissioner is required to dispose of, as specified under regulations framed by Commission.

(c) such officers, employees, staff and personnel, appointed by the Commission, as deemed necessary by the Commission:

5 Provided that the Commission may appoint such staff in cooperation with the Union Public Service Commission or any other appropriate organisation in appointing staff and personnel:

National  
Emission  
Reduction  
Fund.

Provided further that the officers and employees so appointed shall discharge their functions under the general superintendence of the Chief Commissioner:

10 Provided further that the Commission shall recruit staff and officials on deputation, from various Central, State, Central and Local Bodies for a term of two years, and subject to maximum period of five years; or by direct recruitment, subject to rules prescribed by the Central Government in this regard:

Provided further that the Commission shall regulate these staff under over all supervision and control of the Government and general directions issued thereby in this regard:

15 45 of 1860 Provided further that the staff and officers of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

(2) The Chief Commissioner and Commissioners in sub-section (1) shall be appointed by the President of India on the recommendation of a Selection Committee consisting of,—

20 (a) the Chief Justice of Supreme Court, or their nominee, who shall be the Chairperson;

(b) the Prime Minister; and

(c) the Leader of Opposition in the Lok Sabha:

25 Provided that the Selection Committee shall consist of such persons of standing and having special knowledge and expertise in the matters relating to grievance redress policy, public administration, policy making and management, or in any other related matter:

Provided further that the Selection Committee shall select out of a panel of five eligible candidates for each vacancy finalised by the Selection Committee:

30 Provided further that the panel of eligible candidates shall be made public before it is placed before the Selection Committee:

Provided further that the Selection Committee may regulate its own procedure.

35 (3) Members of other statutory commissions at the central level may also be nominated as member Commissioners of the Commission, subject to the rules and procedures governing such other statutory Commissions.

25. A person shall not be qualified for appointment as a Chief Commissioner or a Commissioner of the Commission unless:

Qualifications  
of Chief  
Commissioner,  
other  
Commissioners,  
officers etc.

(1) he or she is, or has been an officer of the Central Government and has held the post in the rank of Secretary or Principal Secretary to the Government; or

40 (2) he or she is or has been a Judge of any High Court or the Supreme Court; or

(3) he or she is an eminent person recognized for his work towards public service in the area and who has worked for at least fifteen years in the social sector, in academia or journalism or other sectors relevant to the prevention or redress of grievances:

45 Provided that not more than half the members of the Commission at any time be from among those referred to in sub-sections (1), (2) and (3).

Provided further that the Chief Commissioner of the Commission shall be from those referred to in sub-sections (1), (2) and (3) above.

Terms of office and conditions of service of Chief Commissioner, other Commissioners, officers etc.

**26. (1) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date he assumes and shall not be eligible for reappointment.**

**(2) The vacancies arising in the Commission shall be filled within thirty days of the same.** 5

**(3) The service conditions of the staff of Commission shall be regulated by appropriate regulations prescribed by the Central Government.**

Resignation and removal.

**27. (1)** The Chief Commissioner or Commissioners, as the case may be, at any time during the term, may resign from office, by giving in writing, to the President a notice of not less than thirty days: 10

Provided that in case of a Commissioner, a copy of the notice shall be forwarded to the Chief Commissioner.

(2) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the Chief Commissioner or any Commissioner if the Chief Commissioner or a Commissioner, as the case may be,— 15

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or 20

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or as a Commissioner. 25

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehavior or incapacity of the aforesaid Chief Commissioner or Commissioners.

Second appeal.

**28. (1)** Any person aggrieved by an order made by the Central Grievance Redressal Authority, may prefer an appeal to the Commission.

(2) Every appeal under sub-section (1) shall be filed within a period of ninety days from the date on which a copy of the order made by the Grievance Redressal Officer is received by the aggrieved person: 30

Provided that the Commission may admit the appeal after the expiry of ninety days if it is satisfied that there was sufficient cause for not filing it within that period:

Provided further that pendency of an appeal shall not be justified as a ground to delay the delivery of service. 35

Disposal of appeals by Commission.

**29. (1)** The Commission shall dispose off the appeals within ninety days from the date of filing of such appeal:

Provided that when matters are of urgent nature, the complaint or appeal, as the case may be, shall be disposed off within two working days. 40

(2) The Commission shall have the power to make regulations to regulate its own procedure and subject to rules as may be prescribed.

Orders of the Commission.

**30. (1)** The Commission may issue such directions to redress the grievance to the concerned Grievance Redressal Officer or such other officials responsible for delivery of service. 45

(2) Where the Commission is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it may impose a lump sum penalty on such public official or service provider:

Provided that the penalty so imposed shall not be less than five thousand rupees and not more than twenty five thousand rupees.

(3) On imposition of the penalty under sub-section (2), the Grievance Redressal Authority may, by order, direct that such portion of the penalty imposed under the said section shall be awarded to the appellant, as compensation, as it may deem fit:

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under the said section.

(4) Where the Commission is of the opinion that the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service has failed to deliver the service without sufficient and reasonable cause, or due to willful negligence, it may refer the matter to the competent authority to initiate disciplinary action against such public official or service provider.

(5) On receipt of matter referred under sub-section (4), the competent authority shall submit a report on the disciplinary and administrative action initiated against the concerned officer within thirty days of such communication from the Commission.

(6) Where it appears that the grievance complained of is, *prima facie*, indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, or a violation of any other criminal legislation, the Commission, shall

(a) recommend the competent authority to initiate action as per the applicable law and seek an Action taken Report within thirty days.

(b) refer the matter to the Lokpal established under Lokpal and Lokayukta Act, 2011.

(7) Where the Commission is of the opinion that the failure in delivery of service has caused undue hardship to the complainant, or because of willful negligence on the part of concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, it may grant such amount as compensation to the complainant:

Provided that the compensation awarded shall not be less than five thousand rupees and not more than twenty-five thousand rupees.

Provided further that the compensation awarded due to willful negligence of the concerned Grievance Redressal Officer or any public official or service provider involved in the process of providing such service, the competent authority shall recover the said amount from such officials.

(8) The Commission may issue appropriate advisories on the implementation of the public programs with appropriate government and recommend measures for improved delivery of the same.

**31.** (1) The Commission shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters which deciding matters pertaining to this chapter:-

Powers of the Commission.

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

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

- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing summons for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed: 5

Provided that the Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure. 5 of 1908

(2) Where the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may take up the cause *suo moto* and decide the matter as if it is registered as an appeal under this Act. 10

Finality of Orders 32. Every order passed by the Commission under this Act shall be final and binding on the public authority and their officials

Deemed to be judicial proceedings. 33. All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code 1960 and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973. 15  
45 of 1960  
2 of 1974.

Powers to enforce orders and directions. 34. (1) Every order or direction issued under this Part may be enforced by Grievance Redressal Authority or National Grievance Redressal Commission, as the case maybe, in the same manner as if it were a decree or order made by a court in a suit pending therein. 20

(2) It shall be lawful for the Commission to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction.

(a) in the case of a public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or 25

(b) in the case of an order against a public authority being a company, the registered office of the company is situated; or

(c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and 30

(3) The court to which the order is so sent, shall execute the orders as if it were a decree or order sent to it for execution.

CHAPTER VIII

NATIONAL PUBLIC SERVICE AND ACCOUNTABILITY COUNCIL

Establishment of the National Public Service and Accountability Council. 35. (1) **The Central Government shall establish a Council to be known as the National Public Service and Accountability Council to exercise its jurisdiction, powers and authority conferred under this Act.** 35

(2) **The seat of the Council shall be in New Delhi.**

Composition of the Council. 36. (1) **The Council shall consist of the Chairperson and such other members as may be specified.** 40

(2) **The Prime Minister shall be the *ex-officio* Chairperson of the Council.**

(3) **Other Members shall include:**

(a) **Upto 2 Members from each of the other Statutory Commissions including**

**National Human Rights Commission, National Commission for Women, National SC/ST Commission;**

**(b) Upto 2 members from the Civil Society;**

**(c) Upto 2 members from the academia;**

5 **(d) Upto 2 members from the journalism;**

**(e) Upto 3 members from amongst the Head of Departments of line departments;**

**(f) Chief Secretary;**

**(g) Upto 5 members from amongst the Additional Chief Secretaries.**

10 **37.** The salaries allowances and other terms and conditions of service of the Chairperson, and the other Members of the Council shall be decided in a manner as prescribed.

Terms of office and conditions of service of Chairperson and other Members.

**38. (1)** It shall be the responsibility of the Council to:—

Functions of the Council.

**(a)** co-ordinate between the Central Government and the Commission;

15 **(b)** discuss the governance tracking report as prepared by the Social Audit Facilitation Unit and suggest measures of correction to ensure that indicators of good governance improve;

**(c)** suggest measures of reform and improvement in public service delivery;

20 **(d)** suggest best practices and new measures of administrative reforms such as 360 degree evaluation of public servants, reward system and assimilating public perception in governance etc;

**(e)** serve as body that can suggest measures to remove difficulty in redressal of grievances under this Act; and

25 **(f)** serve as the apex body for advising the government and the commission on measures to improve implementation of entitlements, redressal of grievances and any suggestions to make this Act more effective.

## CHAPTER IX

### MISCELLANEOUS

**39. (1)** The Council shall conduct the social audit in consonance with the Auditing Standards of Social Audit laid out by the Comptroller and Auditor General of India.

Social audit.

30 **40. (1)** Every public authority shall ensure that every Grievance Redressal Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

Annual Reports.

**(2)** Every public authority shall publish on its website, by the fifteenth day of every month or at such shorter intervals, as may be prescribed, a report mentioning therein—

35 **(a)** the number of complaints received;

**(b)** the number of complaints pending;

**(c)** the number of complaints disposed of; and

**(d)** such other particulars, as may be prescribed, for discharge of its functions under this Act.

Bar of Jurisdiction of Courts.	<b>41.</b> No Court shall entertain any suit, application, or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.	
Protection of action taken in good faith.	<b>42.</b> No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made there under.	5
Application of other laws not barred.	<b>43.</b> The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.	
Power of the Central Government to make rules.	<b>44. (1)</b> The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	10
	(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—	
	(a) the officer or the authority to be designated as Designated Authority under clause (h) of section 2 ;	
	(b) other information under clause (g) of sub-section (2) of section 3;	15
	(c) matters in relation to the Citizens Charter under sub-section (3) of section 4;	
	(d) matter in relation to the Integrated Digital Centres, under of section 8;	
	(e) the manner of inquiry into and redressal of grievance of the complaints received from citizens under sub-section (1) of section 10;	
	(f) the other means by which complaints may be made under sub-section (1) of section 10;	20
	(g) the other matters for which the designated authority shall have power under section 5 and section 6;	
	(h) the number of Commissioners of the National Public Grievance Redressal Commission under clause (b) of sub-section (1) of section 24;	25
	(i) the members of the Selection Committee under sub-section (2) of section 24;	
	(j) additional criteria in relation to selection of Chief Commissioner and the Commissioners of the National Grievance Redressal Commission under sub-section (2) of section 24;	
	(k) the procedure of investigation of misbehavior or incapacity for removal of the Chief Commissioners and other Commissioners of, the National Grievance Redressal Commission under sub-section (3) of section 27;	30
	(l) the other matters for which the National Public Grievance Redressal Commission shall have the powers under clause (g) of sub-section (1) of section 31;	
	(m) the time within which the record of complaints to the public authority and the decisions on the complaints and appeals shall be published on the website and other particulars under clause (b) sub-section (2) of section 40;	35
	(n) the time within which and the manner in which appeal may be filed under sub-section (3) of section 17;	
	(o) any other matter which is required to be or may be prescribed under this Act.	40
	(2) All rules made under this section shall be laid, as soon as may be, after they are so made, before the Parliament.	

**45.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Removal of difficulties.

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

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Parliament.

## THE SCHEDULE

### CITIZENS CHARTER AND OTHER DISCLOSURES UNDER THIS ACT

#### **I. Contents of Citizens Charter**

- (1) The Citizens Charter shall enlist the services to be delivered by the public authority, definitive standards for their delivery, qualitative and quantitative parameters including time limits and other aspects, in a manner that the beneficiary is made known all aspects relevant to the enforcement of the entitlement.
- (2) Without prejudice to the generality of obligations provided under sub-section (1), the Citizens Charter shall include the following particulars,—
  - (a) the entitlements and public services to be delivered under any law, rule, regulation, policy or guidelines;
  - (b) the standards of quality, measure and method for delivery of entitlements and public services;
  - (c) the procedure for securing access to entitlements and public services, including a schematic representation of processes involved;
  - (d) the conditions, documents, forms, and such other requirements for receiving entitlements or public services;
  - (e) the time limits for assured delivery of entitlements and public services;
  - (f) the role and responsibility of public officials and all other persons responsible for delivery of entitlements or public services, including their name, designation and contact information;
  - (g) the procedure for filing complaints and redress of grievances, including the details of concerned Grievance Redressal Officer;
  - (h) the time limits for action, enquiry, redress and disposal of such complaints; and
  - (i) any other information necessary for efficient and time bound delivery of entitlements and public services, as may be prescribed.

#### **II. State of Functions and Obligations of Public Officials**

The statement of functions and obligations of public officials shall provide the following matters, namely

- (a) the designation and contact details;
- (b) the description of role and responsibility in discharge of public functions;
- (c) the powers, duties and such other control exercised in delivery of entitlements and public services; and
- (d) the duration of work, timing, holidays and places of work;

#### **III. Statement of Budget and Expenditures**

- (1) Within fifteen days from the beginning of financial year, every public authority shall specify a Plan of Expenditure in respect of the financial year.

- (2) Without prejudice to the generality of obligations provided under sub-section (1), the Plan of Expenditure Chart shall include—
  - (a) sanctioned budget and actual amount received in the previous financial year;
  - (b) sanctioned budget for the present financial year;
  - (c) the breakup of allocations made to functions and activities of the public authority, including programs, schemes and policies.

## STATEMENT OF OBJECTS AND REASONS

It is said that "democracy is the worst form of Government except all those other forms that have been tried so far".

2. However, even those who are skeptical of traditional representative democracy will admit that the average citizen is more concerned with gaining quick and fair access to government services, whether regulatory, developmental, or welfare services, than with the complexities of governance and politics or the myriad structures and levels of Government Departments.

3. The Government mechanisms that the citizens are most immediately concerned with must therefore be stable, transparent, effective, and continuous. We must prioritise putting the citizen at the centre of a contemporary public administration in India because of this.

4. India has complex institutional structures and a legal system that is supported by the Constitution's explicit and implicit references to the welfare state, allowing for the development of a governing framework that prioritizes citizens.

5. The concepts of good governance and citizen centric administration are intimately connected. Citizen centricity with the aim of ensuring citizens' welfare and citizens' satisfaction, is critical for any Government, local, state or national; which aims to provide good governance.

6. In view of the above, it has become necessary to provide for a National Guaranteed Delivery of Public Services and Accountability Act.

7. The National Guaranteed Delivery of Public Services and Accountability Act, 2022, *inter alia* makes following provisions:-

- (a) To provide for Right to Guaranteed and Time Bound Delivery of Services to every citizen in the country.
- (b) Mandatory Publishing of Citizens Charter by every Public Authority.
- (c) Setting up of Integrated Digital Portal for delivery of services through electronic mode and Integrated Digital Centres in order to facilitate delivery of services.
- (d) A Multi-Tier Grievance redressal mechanism in place with Time Bound redressal of grievances
- (e) Establishment of a National Public Service and Accountability Council to conduct among other things, mandatory social audits in consonance with the auditing standards laid out by the Comptroller and Auditor General of India.

The Bill seeks to achieve the above objectives.

DR. FAUZIA KHAN.

## FINANCIAL MEMORANDUM

Clause 7 of the Bill *inter alia* provides for establishment of integrated digital portals and Clause 8 *inter alia* provides for establishment of Integrated Digital Centers.

Clause 9 of the Bill *inter alia* provides for establishment of Grievance Redressal Authority. Clause 15 *inter alia* provides for composition of the Grievance Redressal Authority and clause 16 provides for the terms of office and conditions of service of Chairperson and other officials of the Authority.

Clause 23 of the Bill *inter alia* provides for establishment of National Grievance Redressal Commission. Clause *inter-alia* provides for composition of the National Grievance Redressal Commission and clause 26 provides for terms of office and conditions of service of Chief Commissioner, other Commissioners, officers etc. of the Commission.

Clause 35 of the Bill *inter alia* provides for establishment of National Public Service and Accountability Council. Clause 36 *inter alia* provides for composition of the National Public Service and Accountability Council and clause 37 provides for terms of office and conditions of service of Chairperson and other Members of the Council.

This Bill, if enacted, would involve expenditure from the Consolidated Fund of India. However, it is not possible to access the actual financial expenditure likely to be incurred at this stage.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 44 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill.

The matters in respect of which the said rules and regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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A

**BILL**

to guarantee the delivery of services within specified time limits to all citizens, the publication of the citizens' charter and other disclosures by all public authorities, the establishment of digital portals and facilitation centres for service delivery, and the processing and monitoring of grievances related thereto; to provide for the establishment of Grievance Redressal Authority to ensure accountability and prompt remedy for denial of services and the establishment of a National Grievance Redressal Commission to hear appeals and prescribe social audit standards for all public authorities and for matters connected therewith or incidental thereto.

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*(Dr. Fauzia Khan, M.P.)*

**Bill No. LXXIV of 2022**

THE HATE CRIMES AND HATE SPEECH (COMBAT, PREVENTION  
AND PUNISHMENT) BILL, 2022

A

BILL

*to empower the State Governments and the Central Government to take measures to provide for the prevention and control of hate crimes and hate speech in terms of the Constitution and international human rights instruments concerning religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe and related intolerance, in accordance with Constitutional and international law obligations; define for the offence of hate crime and the offence of hate speech and the punishment of persons who commit those offences and rehabilitation of victims of those offences; to provide for the reporting on the implementation, application and administration of this Act; and to provide for matters connected therewith or incidental thereto.*

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

CHAPTER I

Preliminary

- 5           1. (1) This Act may be called the Hate Crimes and Hate Speech (Combat, Prevention and Punishment) Bill, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Definitions.

2. (1) 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. 5

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974.

(c) "Communication" includes any—

(i) display;

(ii) written, illustrated, visual or other descriptive matter;

10

(iii) oral statement;

(iv) representation or reference; or

(v) an electronic communication, and "communicates" and "communicated" shall have a corresponding meaning;

(d) "competent authority" means such officer or authority as the appropriate Government may, by notification, appoint as the competent authority under sub-section (2) of section 9; 15

(e) "data" means electronic representations of information in any form as defined under clause (o) of sub-section (1) and section 2 of the Information Technology Act, 2000; 20 21 of 2000.

(f) "data message" means data generated, sent, received or stored by electronic means;

(g) "electronic record" means electronic record as defined under clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000; 21 of 2000.

(h) "electronic communication" means a communication by means of data messages; 25

(i) "electronic communications system" means any electronic communications infrastructure or facility used for the conveyance of data;

(j) "harm" means any emotional, psychological, physical, social or economic harm; 30

(k) "hate crime" has the meaning assigned to it in terms of sub-section (1) of section 3;

(l) "hate speech" has the meaning assigned to it in terms of sub-section (1) of section 5;

(m) "information" includes data, message, text, images, sound, voice, codes, computer programmes software and databases or microfilm or computer generated microfiche; 35

(n) "intermediary", with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes broadcast channels, telecom service providers, network service providers, internet service providers, web-hosting service providers, social media platforms, search engines, online payment sites, online-auction sites, online-marketplaces and cyber cafes; 40

(o) "notification" means a notification published in the Official Gazette;

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

(q) "victim" means a person, including a juristic person, or group of persons, against whom an offence referred to in section 3 or section 4 of this Act has been committed.

45 of 1860.  
2 of 1974.

5 (2) The words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 shall have meaning respectively assigned to them in those Acts.

## CHAPTER II

### OFFENCE OF HATE CRIMES AND HATE SPEECH

10 **3. (1)** Any person who harms or incites harm or promotes or propagates hatred bring out of his prejudice against or intolerance towards any other person because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member or the victim's association with, or support for, a group of persons who share anyone or more of such characteristics: Offence of hate crime.

- 15 (a) religion,  
(b) race,  
(c) caste or community,  
(d) sex,  
(e) gender,  
20 (f) sexual orientation,  
(g) place of birth,  
(h) residence,  
(i) language,  
(j) disability, or  
25 (k) tribe

shall be guilty of an offence of hate crime.

**4. (1)** Whoever commits a hate crime shall be punished with imprisonment for a term which may extend to three years or fine upto five thousand rupees or both. Punishment of hate crime.

(2) An offence of hate crime shall be non-cognizable and non-bailable and shall be triable by magistrate of the first class.

**5. (1)** Any person:—

35 (a) who intentionally publishes, propagates or advocates anything or communicates to one or more persons in a manner that could reasonably be construed to demonstrate a clear intention to harm or incite harm or promote or propagate hatred, based on one or more of the following grounds: Offence of hate speech.

- (i) religion,  
(ii) race,  
(iii) caste or community,  
(iv) sex,  
40 (v) gender,  
(vi) sexual orientation,  
(vii) place of birth,

- (viii) residence,
- (ix) language,
- (x) disability, or
- (xi) tribe; or

(b) who intentionally distributes or makes available an electronic communication which that person knows constitutes hate speech as referred in clause (a) through an electronic communications system which is— 5

(i) accessible by any member of the public; or

(ii) accessible by, or directed at, a specific person who can be considered to be a victim of hate speech; or 10

(c) who intentionally, in any manner whatsoever, displays any material or makes available any material which is capable of being communicated any which that person knows constitutes hate speech as referred in clause (a), which is accessible by, or directed at, a specific person who can be considered to be a victim of hate speech, shall be guilty of an offence of hate speech. 15

(2) The provisions of sub-section (1) shall not apply in respect of anything done as referred in sub-section (1), if it is done in the course of engagement in—

(a) any *bona fide* artistic creativity, performance or other form of expression, to the extent that such creativity, performance or expression does not advocate hatred that constitutes incitement to cause harm, based on one or more of the grounds referred to in clause (a) of sub-section (1); 20

(b) any academic or scientific inquiry; fair and accurate reporting or commentary in the public interest or in the publication of information, commentary, advertisement or notice; or the *bona fide* interpretation and proselytisation or espousing of any religious tenet, belief, teaching, doctrine or writings, to the extent that such interpretation and proselytisation does not advocate hatred that constitutes incitement to cause harm, based on one or more of the grounds referred to in clause (a) of sub-section (1). 25

Punishment for hate speech.

6. (1) Whoever who commits hate speech shall be punished with imprisonment for a term which may extend to three years or fine up to five thousand rupees or both. 30

(2) An offence of hate crime shall be non-cognizable and non-bailable and shall be triable by magistrate of the first class.

### CHAPTER III

#### AID, ABET OR OTHERWISE ASSISTANCE FOR COMMITTING HATE CRIME OR HATE SPEECH

Punishment for aiding, abetting or assisting for committing hate crime or hate speech.

7. (1) Whoever knowingly or unknowingly believes that commission or omission of any other person would be an offence under the provisions of this Act, with intent and thereby aids, abets or otherwise gives that other person any assistance for such offence, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine or both: 35

Provided that an act or omission had a substantial effect on the commission a crime is a fact based inquiry: 40

Provided further that the aider and abettor's conduct may occur in a location remote from the scene of the crime.

(2) Any intermediary who knowingly or unknowingly or due diligently believes that commission or omission of any other person would be an offence under the provisions of 45

this Act, provide their platform to commit such offence, shall be punished with imprisonment of either description for a term, which may extend to three years, and shall also be liable to fine or both.

5 (3) Whoever knowingly or unknowingly believe or has reasonable cause to believe that commission or omission of any other person would be an offence under the provisions of this Act, expends or supplies any money in furtherance or in support of an act which is an offence under this Act, shall be punished with imprisonment of either description for a term, which may extend to three years, and shall also be liable to fine or both.

#### CHAPTER IV

##### 10 VICTIM IMPACT ASSESSMENT

8. The prosecution, when adducing evidence or addressing the court on sentence in respect of an offence under this Act, consider the interests of a victim of the offence and the impact of the offence on the victim and, where practicable, furnish the court with a victim impact statement. Victim impact assessment.

15 *Explanation.*—For the purposes of this section, a victim impact statement means a sworn statement or affirmation by a victim or someone authorised by a victim to make such a statement on his behalf, which contains the physical, psychological, social, economic or any other consequences of an offence under this Act for a victim and family member or associate of a victim.

#### 20 CHAPTER V

##### PREVENTION OF ACTS LEADING TO HATE CRIME AND HATE SPEECH

9. (1) Notwithstanding anything contained in the Code, whenever the District Magistrate has reason to believe that in any area within his jurisdiction, a situation has arisen where there is an apprehension of breach of peace or creation of discord between members of different groups, castes or communities due to commission of offence under the provisions of this Act, he may, by order in writing, prohibit any act which in his opinion is likely to cause apprehension in the minds of another community or caste or group that it is directed to intimidate, threaten or otherwise promote ill-will against that community or caste or group. Prevention of acts leading to hate crime and hate speech.

30 (2) A competent authority, appointed by the appropriate Government by notification, in any area within his jurisdiction, may by order in writing,—

(a) direct the conduct of any assembly or procession in any place or street and specify by general or special notice, if any, by which and the times at which, such procession may or may not pass;

35 (b) require, by general or special notice, on being satisfied that any person or class of persons intend to convene or collect a assembly or an procession in any place or street or to form an assembly or procession which would in his judgment, if uncontrolled, is likely to cause a breach of peace due to commission of offence under the provisions of this Act, that the person convening or collecting such assembly or procession or directing or promoting such assembly or procession shall not do so without applying for and obtaining a permission to this effect; and

40 (c) prohibit or regulate the use of loudspeaker, music or sound amplifier or any other instrument inducing noise in any street or public place or procession, or in any private place or procession, if the use of which may cause commission of offence under the provisions of this Act.

45 (3) An order under this section shall remain in force for such period as may be specified or thirty days, whichever is less:

Provided that if the appropriate Government, after reviewing the effect of the order, considers it necessary for the preservation of peace or harmony between different groups, castes or communities or public safety or maintenance of public order in such area, may, by notification, direct that the order issued under this section shall remain in force for such further period not exceeding sixty days from the date of the first order. 5

## CHAPTER VI

### AWARENESS, EDUCATION AND TRAINING

Awareness, education and training to prohibit hate crime and hate speech.

**10.** (1) The appropriate Government shall have the duty to promote awareness among public for the prohibition, prevention and combating of hate crimes and hate speech.

(2) In performance of the duty referred to in sub-section (1), the appropriate Government may perform such functions which shall include, but not be limited to— 10

(a) conducting education and information campaigns to inform the public about the prohibition against hate crime and hate speech, aimed at prevention and combating of such offences;

(b) ensuring that all public officials who may be involved in the investigation and prosecution of hate crimes and hate speech are educated and informed of the provisions against such offences; 15

(c) providing assistance and advice to any person who wants to lodge a complaint of a hate crime or hate speech; and

(d) training public officials on the prohibition, prevention and combating of hate crimes and hate speech, and such training shall include social context training. 20

(3) Notwithstanding anything contained in sub-sections (1) and (2), the appropriate Government may recommend to the National Human Rights Commission or the State Human Rights Commission, as the case may be, to perform the functions referred to in sub-section (2).

(4) The National Judicial Academy of India, Bhopal shall develop and implement training courses, including social context training courses for judicial officers for purposes of presiding in court proceedings, in connection with offences under this Act. 25

## CHAPTER VII

### MISCELLANEOUS

Protection of action done in good faith.

**11.** No suit, prosecution or other legal proceedings shall lie against any officer or authority of the appropriate Government for an act which is done or intended to be done in good faith under this Act or the rules made thereunder. 30

Act not in derogation of any other law.

**12.** Save as otherwise provided, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force except to the extent the provisions of other law are inconsistent with the provisions of this Act. 35

Power to make rules.

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

(2) Every rule made under this section.

## STATEMENT OF OBJECTS AND REASONS

The Preamble of the Constitution of India, set out founding principles and values, among others, of individual and collective dignity with a sense of equality for all, which shall help the Republic in achieving unity and integrity of its people. *Samanvay* (harmony) and *Sadbhavna* (compassion for one another) are one of the oldest teachings of the Indian civilization. Nonetheless, lately, due to narrow political, social and economic prejudices and benefits, individuals or groups of people have created nuisance and intolerance on the basis of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe against each other.

The Constitution of India, under article 19 (1), gives everyone the right to freedom of expression. This right is, however, limited in that it does not extend to breach sovereignty and integrity of the country, and decency and morality based on religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe, among others. A specific legislation is required with a view to empower the State Governments and the Central Government to take effective measures to combat, prevent and punish the conduct of the person constituting hate crimes and hate speech.

Hence, this Bill.

PROF. MANOJ KUMAR JHA

## FINANCIAL MEMORANDUM

Clause 10 of the Bill *inter-alia* provides that the appropriate Government shall have the duty for promoting awareness among public and also impart education and training for preventing and combating hate crimes and hate speech. Existing budgets will be used for the purpose. No additional expenditure is likely to be incurred to implement the provisions of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislation powers is of a normal character.

RAJYA SABHA

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**BILL**

to empower the State Governments and the Central Government to take measures to provide for the prevention and control of hate crimes and hate speech in terms of the Constitution and international human rights instruments concerning religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe and related intolerance, in accordance with Constitutional and international law obligations; define for the offence of hate crime and the offence of hate speech and the punishment of persons who commit those offences and rehabilitation of victims of those offences; to provide for the reporting on the implementation, application and administration of this Act; and to provide for matters connected therewith or incidental thereto.

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*(Prof. Manoj Kumar Jha, M.P.)*

**Bill No. LXIII of 2022**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Indian Penal Code, 1860.*

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2022.

Short title and commencement.

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

45 of 1860.

2. In section 375 of the Indian Penal Code, 1860 for Exception 2, the following shall be substituted namely:—

Amendment of section 375.

"Exception 2.—The fact of a subsisting marriage of the accused and the victim shall not be treated as mitigating factor for the offence under this section."

## STATEMENT OF OBJECTS AND REASONS

India was a British colony during the time of drafting of the Penal Code in the 19th century. English laws did not recognise men and women as equals and merged the identity of women with their husbands. Under section 375 of the Indian Penal Code, the offence of rape provides for an exception—'Sexual intercourse by a man with his own wife, the wife not being under 15 years of age, is not rape'. The 42nd Report of the Law Commission (1971) suggested the removal of this exception. The Indian Penal Code was subsequently amended in the year 1983 to criminalise spousal rape during the period of judicial separation, as suggested by the 84th Law Commission Report. However, the exception of marital rape still remained.

2. Article 2 of the Declaration of the Elimination of Violence against Women includes marital rape unequivocally in the definition of violence against women. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee also suggested that India should 'widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women and to remove the exception of marital rape from the definition of rape'. Inspired by this, the Justice Verma Committee recommended deleting the exemption contained in section 375. Apart from being a moral obligation, incorporation of such international treaties is prescribed in article 253 of the Constitution of India. In addition, article 51 requires that the State endeavour to promote international peace and security, maintain good relations with other nations, and respect international law. Under both these articles, it is a mandate that the Legislature removes this exception.

3. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) did not criminalise marital rape but recognised it as a form of domestic violence, providing a first step towards criminalisation. The marital rape exception is antithetical to the Right to Life and Personal Liberty under article 21 of the Indian Constitution which states that 'No person shall be deprived of his life and personal liberty except according to the procedure established by law'. Through the course of time, the Supreme Court has expanded the Right to Life beyond a mere literal protection of life and liberty. It includes a dignified life, safe living conditions, a woman's right to her reproductive choices, and privacy. Thus, there is a need to remove the exception of marital rape from the offence of rape.

The Bill seeks to achieve the above objectives.

DEREK O' BRIEN.

RAJYA SABHA

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**BILL**

further to amend the Indian Penal Code, 1860.

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*(Shri Derek O' Brien, M.P.)*

**Bill No. LXXX of 2022**

THE MAA MAMATA (ORPHAN'S WELFARE) SCHEME BILL, 2022

A

BILL

*to provide for social security to orphan children, to ensure proper upbringing of the orphan child, to ensure a bright future for the child and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Maa Mamata Act, 2022.

Short title and commencement.

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

Definitions.

5 (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;

10 (c) “orphan child” means any child below eighteen years of age, who has lost both of his biological parents and registered in Central Registry of orphans as created under section 9 of the Act;

(d) “Registry” means the Central Registry of Orphans established under section 9 of this Act;

(e) “Scheme” means the Maa Mamta Scheme as formulated under section 3 of the Act; and

(f) “social security” means provision of food, shelter, education, healthcare, job reservation quota, establishment of recreation centers and other amenities necessary for the welfare of orphan child. 5

Maa Mamta Scheme.

**3. (1) The Central Government shall formulate a scheme to be known as “Maa Mamata Scheme” to provide social security to all orphan children and to ensure healthy upbringing at par with those children with biological parents and also ensure protection from exploitation and ill treatment so as to ensure peaceful life thereon.** 10

**(2) The appropriate Government shall provide every orphan child under the Scheme—**

**(i) a Bank account and deposit such monthly amount as may be prescribed, which shall be handed over to the child on attaining eighteen years of age;**

**(ii) Free education;** 15

**(iii) Free medical and health care facilities;**

**(iv) Free food, lodging and clothing;**

**(v) Free travel by road, railways or by air;**

**(vi) Free sports facilities; and**

**(vii) Free legal assistance.** 20

Establishment of orphan homes.

**4. The appropriate Government may establish and maintain orphan homes at accessible places in each district which shall have such facilities as may be prescribed for orphan child.**

Measures for publicity, awareness for welfare of orphan child.

**5. The appropriate Government shall take all measures to create awareness amongst public about rights of orphan child and give wide publicity to the provisions of this Act by organizing seminars, symposia, lectures and conferences.** 25

Central Government to provide funds.

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

Act to have overriding effect.

**7. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.** 30

Act not in derogation of other laws.

**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 with this Act.**

Central Registry for Orphans.

**9. (1) The Central Government shall establish maintain and operate a Registry to be known as the Central Registry for Orphans, for implementation of “Maa Mamta Scheme.”** 35

**(2) The Registry shall contain such details of every orphan child as may be prescribed.**

Power to make rules.

**10. (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** 40

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.

- 5 (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

An orphan child is deprived of love, care, respectable upbringing and security, which any child with biological parents naturally inherits.

2. An orphan child is the most deprived class of people both materially and emotionally. Hence, the Government of the day has to step in with motherly love, compassion and care for these children and formulate a "Maa Mamta Scheme".

3. The proposed Bill seeks to provide every such rightful needs that an orphan child will require to become a respectable contributing adult of the society.

4. Therefore, the Government should provide compulsory social security to the orphan child. There should also be provision for financial security, education, food lodging and clothing along with medical care for the orphan child and they should be given protection against ill-treatment and exploitation.

Hence, this Bill.

SHANTACHHETRI.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for social security to orphan child, monthly bank savings for child welfare in future, free education, food, clothing and lodging, medical and other healthcare facilities, free travel and free legal assistance may be provided to orphan child. Clause 4 provides for establishment of homes for orphan child. Clause 5 provides for measures for creating awareness among public about the rights of orphan child. Clause 6 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated fund of India.

It cannot be estimated at this stage as to how many orphan child will need assistance from the Central Government. However, an annual recurring expenditure of about rupees nine hundred crore is likely to be involved from the Consolidated Fund of India.

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

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

RAJYA SABHA

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**BILL**

to provide for social security to orphan children, to ensure proper upbringing of the orphan child, to ensure a bright future for the child and for matters connected therewith or incidental thereto.

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*(Shrimati Shanta Chhetri, M.P.)*

**Bill No. LXXIII of 2022**

THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT  
GUARANTEE (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Mahatma Gandhi National Rural Employment Guarantee  
Act, 2005.*

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

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2022.

Short title and  
commencement.

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

2. In the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the 'principal Act'), in the long title,—

Amendment  
long title.

10 (a) for the words "one hundred days", the words "two hundred days each" shall be substituted;

(b) for the words "every household", the words "at least two adult members of every household", shall be substituted.

- Amendment of section 3. **3.** In section 3 of the principal Act, for sub-section (I) the following sub-section shall be substituted, namely:—
- "(I) Save as otherwise provided, the State Government shall, in such rural area in the State as may be notified by the Central Government, provide to at least two adult members of every household, where there is more than one adult member and whose adult members volunteer to do unskilled manual work, not less than two hundred days each of such work in a financial year in accordance with the Scheme made under this Act:
- Provided that in the event of a household having only one adult member, the above provision shall be construed accordingly."
- Amendment of section 4. **4.** In section 4 of the principal Act, in sub-section (I),—
- (a) for the words "one hundred days", the words "two hundred days each" shall be substituted.
- (b) for the words "every household", the words "at least two adult members of every household" shall be substituted.
- Amendment of section 6. **5.** In section 6 of the principal Act, for sub-section (I), the following sub-section shall be substituted namely:—
- "(I) Notwithstanding anything contained in the Code on Wages, 2019, the Central Government may, by notification, specify the wage rate for the purposes of this Act:
- Provided that different rates of wages may be specified for different areas based on the All-India Consumer Price Index from time to time:
- Provided further that the wage rate specified from time to time under any such notification shall not be at a rate less than six hundred rupees per day."
- Amendment of section 7. **6.** In section 7 of the principal Act, in sub-section (3),—
- (I) for clause (c), the following clause shall be substituted namely:—
- (c) the two adult members of the household of the applicant have received in total at least four hundred days of work altogether within the financial year, or in total at least two hundred days of work in the event of the household having only one adult member, as the case may be; or"
- (2) for clause (d), following clause shall be substituted, namely:—
- (d) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for four hundred days of work during the financial years, or for two hundred days of work during the financial year in the event of the household having only one adult member, as the case may be."
- Amendment of section 22. **7.** In section 22 of the principal Act,—
- (I) in sub-section (I), for clause (b) the following clause shall be substituted, namely:—
- "(b) the material cost of the Scheme including payment of wages to skilled and semi-skilled workers;"
- (2) in sub-section (2), clause (b) shall be omitted.
- Amendment of section 25. **8.** In section 25 of the Principal Act, for the words "one thousand rupees", the words "twenty five thousand rupees" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

India is the land of villages as rightly said by Mahatma Gandhi, "I would say that if the village perishes India will perish too. India will be no more India." The notion of rural development has come to be construed as the process of improving the quality of life and economic well being of people living in rural areas especially the areas that are relatively isolated and entail sparse population. India lives in its villages, and the development of villages will be critical if we want to close the gap between the 'haves and have nots' for better human development.

2. The Constitution (Seventy-third Amendment) Act, 1992 has added a new part IX to the Constitution, consisting of 16 Articles and the Eleventh Schedule, which paves the way for the Panchayat Raj System in the Country. Empowerment of the Panchayat Raj Institution (PRIs) has led to the strengthening of the nation. PRIs are the primary instruments for empowerment of people at the grass root level for shaping their own destiny. A vast majority of people are still living in the rural and remote areas without any touch of modern day. Panchayati Raj is the bedrock of democratic decentralisation in India. It has heralded an age of representation, participation, transparency and accountability — and the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) is one of the beacons through which these are being realised.

3. The MGNREGA was promulgated by the Government to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for matters connected therewith or incidental thereto.

4. The 20th Report of the Standing Committee on Rural Development and Panchayati Raj (2021-22) states that MGNREGA is powerful instrument for ensuring inclusive growth in rural India through its impact on social protection, livelihood security and democratic empowerment. Under MGNREGS, the Gram Panchayat is responsible for producing all relevant documents such as muster rolls, bills, vouchers etc. for the Gram Sabha to conduct periodic social audits of work done under the scheme. As on November 12, 2021, a total of 27 States had established Social Audit Units (SAU).

5. MGNREGA is a demand driven wage employment programme and resource transfer from Centre to States is based on the demand for employment in each State. It provides a legal guarantee for wage employment by providing allowances and compensation both in cases of failure to provide work on demand and delays in payment of wages for the work undertaken. Plans and decisions regarding the nature and choice of works to be undertaken, the order in which each worksite is to be selected, etc., are all to be made in open assemblies of the Gram Sabha and ratified by the Gram Panchayat. Social audit creates accountability of performance, especially towards immediate stakeholders. Thus, MGNREGA also marks a break from the relief programmes of the past towards an integrated natural resource management and livelihoods generation perspective.

6. However, the socio-economic scenario prevailing in the country at the time of promulgation of MGNREGA has undergone a sea change over the last two decades, Recently, the International Monetary Fund (IMF) announced that India had surged past the United Kingdom to become the fifth largest economy in the world, thanks to its sheer population size. But it is the Per Capita income which determines the average per-person income and to evaluate the standard of living and quality of life of the population. The per capita net national income (NNI) of India at current prices during 2020-21 is estimated to have been dwindled to Rs. 1,28,829/- as compared to Rs. 1,34,186/- for the year 2019-20. The per capita

income in real terms (at 2011-12 prices) during 2020-21 is estimated at Rs. 86,659/- as compared to Rs. 94,566/- during 2019-20.

7. According to the IMF World Economic Outlook (October - 2021), GDP (nominal) per capita of India in 2021 is projected at \$ 2,116 at current prices. India is at 150th position out of 195 economies in terms of GDP per capita (nominal). So the average income of Indians continues to remain very low.

8. Similarly as per the World Inequality Report 2022, there is a worrying divergence in the country in the distribution of wealth between rich and poor. India is now among the most unequal countries in the world with spectacular increase in inequality. While the top 10% and top 1% hold respectively 57% and 22% of total national income, the bottom 50% share has gone down to 13%. India stands out as a very unequal country, with an affluent elite. The richest are getting richer at a much faster pace while the poor are still struggling to earn a minimum wage and the latter's access to quality education and healthcare services continue to suffer from chronic under-investment.

9. Though, India is slated to regain its economic growth rate after the pandemic, the recovery from the pandemic lows has been anything but balanced. One possible indication of the scale of the distress comes from data on households/individuals who have worked under MGNREGA. In 2019-20, the year prior to the pandemic, 7.88 crore individuals worked under the scheme. In 2020-21, the first year of the pandemic, this number rose to 11.19 crore. Though, it descended to 10.36 crore in the subsequent year, the number of individuals working under the scheme remained considerably higher than in the pre-pandemic period. This growing reliance on MGNREGA likely indicates that other more remunerative employment opportunities remain limited. Another pointer to the economic distress at the lower end of the income distribution scale comes from the National Crime Records Bureau report — there has been a rise in suicides by daily wage earners and in 2021, daily wage earners accounted for a fourth of suicides in the country. Other Indicators also point to subdued household purchasing power. We shall remain wary of the highly uneven nature of the recovery and take measures to address the distress of the most vulnerable.

10. In these circumstances, it is the need of the hour to strengthen the MGNREGS by amending the MGNREGA so as to expand the ambit of the Act by increasing the days of guaranteed wage employment and by providing employment to at least two adult members of every household. The current days of guaranteed work, that too only for one adult member of a household, is not sufficient to provide reasonable income for leading a dignified life for a family of four or more members. It is equally imperative to enhance the penalty on contravention of the provisions of the Act so as to ensure due compliance of the Act.

11. Likewise, section 22 of the Principal Act explaining the Funding Pattern stipulates that a portion of the material cost of the Scheme, including a portion of payment of wages to skilled and semi-skilled workers, has to be borne by the respective State Governments. However, considering the present precarious financial position of most of the States, it will be a cumbersome task. There is a structural vertical imbalance which necessitates orderly transfer of resources from the Union to the States. At an aggregate level in 2018-19, the States could generate their own resources to meet only 44.8 per cent of their total expenditure. This means that the remaining 55.2 per cent needed financing through vertical resource transfers and/or by contracting debt. In these circumstances, the aforementioned condition of payment by States of a portion of material cost, needs to be modified suitably so as to make the Central Government responsible to pay the whole of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers.

The Bill seeks to achieve the aforesaid objectives.

DR. JOHN BRITTAS.

## FINANCIAL MEMORANDUM

Clauses 3 and 4 of the Bill provide for increasing the days of guaranteed employment as well as to provide two hundred days each of work to at least two adult members of every household. Clause 5 of the Bill provides for enhancing the base wage rate. Clause 7 of the Bill proposes to make the Central Government responsible for the payment of the whole of material cost and wages of skilled and semi-skilled workers.

2. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the recurring or non-recurring expenditure involved.

ANNEXURE

EXTRACTS FROM THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005

[ACT No. 42 OF 2005]

\* \* \* \* \*

An Act to provide for the enhancement of livelihood security of the households in rural areas to the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for matters connected therewith or incidental thereto.

\* \* \* \* \*

Guarantee of rural employment to households.

**3.** (1) Save as otherwise provided, the State Government shall, in such rural area in the State as many be notified by the Central Government, provide to every household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the Scheme made under this Act.

\* \* \* \* \*

Employment Guarantee Schemes for rural areas.

**4.** (1) For the purposes of giving effect to the provisions of section 3, every State Government shall, within one year from the date of commencement of this Act, by notification, make a Scheme, for providing not less than one hundred days of guaranteed employment in a financial year to every household in the rural areas covered under the Scheme and whose adult members, by application, volunteer to do unskilled manual work subject to the conditions laid down by or under this Act and in the Scheme:

Provided that until any such Scheme is notified by the State Government, the Annual Action Plan or Perspective Plan for the Sampoorna Grameen Rozgar Yojana (SGRY) or the National Food for Work Programme (NFFWP) whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the Scheme for the purposes of this Act.

\* \* \* \* \*

Wage rate.

**6.** (1) Notwithstanding anything contained in the Minimum Wages Act, 1948 (11 of 1948), the Central Government may, by notification, specify the wage rate for the purposes of this Act:

Provided that different rates of wages may be specified for different areas:

Provided further that the wage rate specified from time to time under any such notification shall not be at a rate less than sixty rupees per day.

\* \* \* \* \*

Payment of unemployment allowance.

**7.** \* \* \* \* \*

(3) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as—

(a) the applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or depute at least one adult member of his household; or

(b) the period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment; or

(c) the adult members of the household of the applicant have received in total at least one hundred days of work within the financial year; or

(d) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

\* \* \* \* \*

**22.** (1) Subject to the rules as may be made by the Central Government in this behalf, the Central Government shall meet the cost of the following, namely:— Funding pattern.

(a) the amount required for payment of wages for unskilled manual work under the Scheme;

(b) up to three-fourths of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;

Such percentage of the total cost of the Scheme as may be determined by the Central Government, towards the administrative expenses, which may include the salary and allowances of the Programme Officers and his supporting staff, the administrative expenses of the Central Council, facilities to be provided under Schedule II and such other item as may be decided by the Central Government.

(2) The State Government shall meet the cost of the following, namely:—

(a) the cost of unemployment allowance payable under the Scheme;

(b) one-fourth of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;

(c) the administrative expenses of the State Council.

\* \* \* \* \*

**25.** Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees. Penalty for non-compliance.

\* \* \* \* \*

RAJYA SABHA

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**BILL**

further to amend the Mahatma Gandhi National Rural Employment Guarantee  
Act, 2005.

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*(Dr. John Brittas, M.P.)*

**Bill No. LXX of 2022**

THE MOTOR VEHICLES (AMENDMENT) BILL, 2022

A

BILL

*further to amend the Motor Vehicles Act, 1988.*

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

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2022.

Short title and commencement.

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

59 of 1988.

2. In the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), in section 147,—

Amendment of section 147.

(1) in sub-section (1), in clause (b), for sub-clause (ii) and Explanation thereto, the following shall be substituted, namely:—

"(ii) against the death of or bodily injury to any passenger of a motor vehicle including, but not limited to, gratuitous passengers and pillion riders, except gratuitous passengers of a goods vehicle, caused by or arising out of the use of the motor vehicle."

(2) in sub-section (3), after the words "any other prescribed matters," the words ", save as otherwise provided by or under this Act," shall be inserted. 5

Amendment  
of section  
150.

**3.** In section 150 of the principal Act,—

(1) in sub-section (2), in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) a condition excluding driving, with the connivance of or knowledge of the owner, by a named person or by any person who is not duly licensed or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification; or" 10

(2) after sub-section (4), the following proviso shall be inserted, namely:—

"Provided that on occurrence of any of the eventualities set forth in clause (a) of sub-section (2), the insurer shall pay the awarded compensation in the first instance to third parties including gratuitous passengers and pillion riders, and may thereafter recover the same from the insured persons." 15

(3) in sub-section (5), after the words "otherwise than in the manner provided for in sub-section (2)", the words "subject to the proviso to sub-section (4)," shall be inserted. 20

Amendment  
of section  
157.

**4.** In section 157 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The transferee may apply in the prescribed form to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in his favour, and the insurer shall make the necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance: 25

Provided that nothing contained in this sub-clause, or failure in compliance thereof, shall render the provisions of sub-section (1) invalid." 30

Amendment  
of section  
166.

**5.** In sub-section (3) of section 166 of the principal Act,—

(1) in sub-section (3), for the words "six months", the words "three years" shall be substituted.

(2) after sub-section (3), the following proviso shall be inserted, namely:—

"Provided that an application for compensation may be entertained after the prescribed period, if the claimant satisfies the Claims Tribunal that he had sufficient cause for not making an application within such period." 35

## STATEMENT OF OBJECTS AND REASONS

The Motor Vehicles Act, 1988 [Act No. 59 of 1988] contained certain timeframes under sub-section (3) of section 166 for filing application for compensation in respect of accidents before the Motor Accidents Claims Tribunals. However, those periods of limitation were subsequently removed by omitting sub-section (3) of section 166, *vide* section 53 of the Motor Vehicles (Amendment) Act, 1994. This expunging of timeframe might have been made by taking into consideration of the hardships faced by the victims of the accidents in complying the said time limit. Thenceforth, the victims of accidents have been at liberty to file application for compensation before the Motor Accident Claims Tribunals without reckoning the period between the date of accident and filing of application.

However, the Government promulgated the Motor Vehicles (Amendment) Act, 2019 on 09.08.2019, whereby a new sub-section (3) was inserted to section 166, by virtue of section 53 of the Amendment Act, *viz.*—

*"(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident."*

The Government notified the implementation of the above provision with effect from 01.04.2022. It is to be noted that the above amendment, in reality, shall be advantageous to insurance companies as innumerable number of applications for compensation can be denied merely on the grounds of the delay in filing applications. If a victim of an accident is bedridden for more than six months, he may not be able to file an application for compensation within the presently stipulated time period of six months. Though, the victim can, in such a circumstance, authorize an agent for filing application by invoking clause (d) of sub-section (1) of section 166 of the principal Act, the same would not always be feasible on practical considerations since the person so injured has to 'duly authorize' the agent.

Similarly, a claimant needs several information like the registration details of the vehicle involved in the accident, insurance details, driving licence details, etc. for filing an application which may not always be effortless to collect. Prior to the latest amendments, the victims of accidents generally inclined to rely on the charge sheet filed by the police authorities before the courts, to get hold of the above mentioned details. It is true that a new section 159 has been inserted in the principal Act by virtue of the Amendment Act No. 32 of 2019 thereby making the police officers duty-bound, during the investigation, to prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed. Further, another newly inserted section 160 *vide* the Amendment Act No. 32 of 2019 makes it imperative that the registering authorities and officer-in-charge of police stations shall furnish to the claimants, on payment of the prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged. However, on a practical consideration, the investigation of police authorities generally tends to exceed the prescribed time limits if we examine the history of motor accident investigations. Several factors may lead to the delay in completion of investigations. Besides the usual factors, the investigation may get delayed in cases of requirement of availing the Forensic Science Laboratory (FSL) Reports in cases where there arises a dispute as to who was driving the vehicle at the time of accident, ascertaining the identity of vehicle involved in an accident in cases where the driver ran off with the vehicle, etc. These extraneous reasons are beyond the control of investigation agencies, thereby

also rendering the provision contained in sub-section (4) of section 166 of the principal Act toothless in many cases in so far as the time-frame is concerned. These aspects were not seen duly envisaged while introducing the new timeframe.

It is equally pertinent to note that the limitation period prescribed in the Limitation Act, 1963 for filing even money suits, in most of the circumstances, is three years. All the above aspects make it exigent that the victims of accidents are to be provided with reasonable time period for filing application for compensation before Motor Accidents Claims Tribunals. There should also be a provision for condoning the delay for the cases filed after the prescribed period, if there are sufficient causes for the delay occasioned.

Likewise, in a catena of judgments the Supreme Court held on the basis of the existing provisions of the Motor Vehicles Act, 1988, that 'Liability Only Policy' (Act Only Policy) by itself, being a statutory policy, won't cover the risk of death of or bodily injury to gratuitous passengers including pillion riders. Though the Supreme Court, in a few of such cases, directed the insurer to pay the amount of compensation to the claimants in the first instance and thereafter to recover it from the insured, the same is seen to be by invoking the inherent powers of Supreme Court under article 142 of the Constitution of India. The term 'third party' shall include all persons other than the insured, who is the first party, and the insurer, who is the second party. All other persons, including gratuitous passengers and pillion riders, who are neither the insured nor the insurer, shall be treated as 'third party' for the purpose of insurance coverage in a Liability Only Policy. As such, it is imperative to amend the existing Act, to cover gratuitous passengers including pillion riders also within the ambit of Liability Only Policy so as to protect their interests in the case of an accident. It is equally significant to omit the condition in sub-clause (ii) of clause (b) of sub-section (1) of section 147 of the Act restricting the coverage of insurance to only those accidents occurred in a public place. Sub-clause (ii) of clause (a) of sub-section (2) of section 150 of the existing Act empowers the Insurer to raise the following ground as a defence for claiming impunity from payment of compensation in case of an accident, viz.:

*"(ii) a condition excluding driving by a named person or by any person who is not duly licenced or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification or driving under the influence of alcohol or drugs as laid down in section 185;"*

It is pertinent to note that one of the grounds, i.e. *driving under the influence of alcohol or drugs as laid down in section 185*, was not there in the original Act and that the same was subsequently incorporated *vide* the Motor Vehicles (Amendment) Act, 2019. The real intention of Legislature while passing the original Act was to protect the interests of third parties in an accident. Their insurance coverage shall not be absolved by the reason of consumption of alcohol or drugs by the driver of the offending vehicle, against which the latter can be prosecuted as per the penal provisions. It shall not preclude third parties from claiming insurance coverage. As such, it is the need of the hour to omit the said defence from the existing Act. Similarly, a condition shall also be inserted in sub-clause (ii) to protect the interests of the owner who doesn't have any knowledge or connivance in permitting a person to drive in violation of the stipulated conditions.

Furthermore, other defences provided in clause (a) of sub-section (2) of section 150 shall be restricted in such a way that the insurer shall, in such a circumstance, pay the awarded compensation in the first instance to third parties including gratuitous passengers and pillion riders and may thereafter recover the same from the insured. The Act shall perform as a welfare legislation for the benefit of third parties by ensuring that they receive the fruits of the awards obtained by them straightaway with an element of certainty and not to make them wait for a prolonged recovery proceeding as against the owner of the vehicle.

Similarly, sub-section (2) of section 157 of the principal Act is apparently trying to limit the protection granted under sub-section (1) thereof of deemed transfer of insurance in case of transfer of vehicle. Further, sub-section (2) does not contain any provision explaining the

consequence of not taking any such procedural steps stipulated therein by the transferee. Absence of such a provision emphasises the fact that transfer of insurance policy is controlled by sub-section (1) only, and it takes place the moment there is transfer of ownership of a vehicle together with its insurance policy. Hence sub-section (2) of section 157 of the Principal Act needs to be modified suitably.

The Motor Vehicles Act, 1988 is a benevolent social legislation in so far as the protection of interests of victims of motor accidents is concerned. It is a pressing priority that the principal Act, therefore, be amended to ensure the said purpose.

The Bill seeks to achieve the aforesaid objectives.

DR. JOHN BRITTAS.

ANNEXURE

EXTRACTS FROM THE MOTOR VEHICLES ACT, 1988

(ACT No. 59 OF 1988)

\* \* \* \* \*

Requirement of policies and limits of liability.

**147.** (1) In order to comply with the requirements of this Chapter, a policy of insurance must be a policy which—

(a) is issued by a person who is an authorised insurer; and

(b) insures the person or classes of persons specified in the policy to the extent specified in sub-section (2)—

(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person including owner of the goods or his authorised representative carried in the motor vehicle or damage to any property of a third party caused by or arising out of the use of the motor vehicle in a public place;

(ii) against the death of or bodily injury to any passenger of a transport vehicle, except gratuitous passengers of a goods vehicle, caused by or arising out of the use of the motor vehicle in a public place.

*Explanation.*—For the removal of doubts, it is hereby clarified that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.

\* \* \* \* \*

(3) A policy shall be of no effect for the purposes of this Chapter unless and until there is issued by the insurer in favour of the person by whom the policy is effected, a certificate of insurance in the prescribed form and containing the prescribed particulars of any condition subject to which the policy is issued and of any other prescribed matters; and different forms, particulars and matters may be prescribed in different cases.

\* \* \* \* \*

Duty of insurers to satisfy judgments and awards against persons insured in respect of third party risks.

**150.** (1)\* \* \* \* \*

(2) No sum shall be payable by a insurer under sub-section (1) in respect of any judgment or award unless, before the commencement of the proceedings in which the judgment or award is given the insurer had notice through the court or, as the case may be, the Claims Tribunal of the bringing of the proceedings, or in respect of such judgment or award so long as its execution is stayed pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto, and to defend the action on any of the following grounds, namely:—

(a) that there has been a breach of a specified condition of the policy, being one of the following conditions, namely:—

(i) a condition excluding the use of the vehicle—

(A) for hire or reward, where the vehicle is on the date of the contract of insurance a vehicle not covered by a permit to ply for hire or reward; or

(B) for organised racing and speed testing; or

(C) for a purpose not allowed by the permit under which the vehicle is used, where the vehicle is a transport vehicle; or

(D) without side-car being attached where the vehicle is a two-wheeled vehicle; or

(ii) a condition excluding driving by a named person or by any person who is not duly licenced or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification or driving under the influence of alcohol or drugs as laid down in section 185; or

(iii) a condition excluding liability for injury caused or contributed to by conditions of war, civil war, riot or civil commotion; or

(b) that the policy is void on the ground that it was obtained by nondisclosure of any material fact or by representation of any fact which was false in some material particular; or

(c) that there is non-receipt of premium as required under section 64VB of the Insurance Act, 1938 (4 of 1938).

(3) \* \* \* \* \*

(4) Where a certificate of insurance has been issued under sub-section (3) of section 147 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby, by reference to any condition other than those in sub-section (2) shall, as respects such liabilities as are required to be covered by a policy under clause (b) of sub-section (1) of section 147, be of no effect.

(5) No insurer to whom the notice referred to in sub-section (2) or sub-section (3) has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgment or award as is referred to in sub-section (1) or in such judgment as is referred to in sub-section (3) otherwise than in the manner provided for in sub-section (2) or in the corresponding law of the reciprocating country, as the case may be.

\* \* \* \* \*

**157.** (1) Where a person, in whose favour the certificate of insurance has been issued in accordance which the provisions of this Chapter, transfers to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

Transfer of certificate of insurance.

*Explanation.*—For the removal of doubts, it is hereby clarified that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.

(2) The transferee shall apply within fourteen days from the date of transfer in the prescribed form to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in his favour, and the insurer shall make the necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance.

\* \* \* \* \*

Application  
for  
compensation.

**166.** (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made—

(a) by the person who has sustained the injury; or

(b) by the owner of the property; or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application:

Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.

(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed:

(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.

\* \* \* \* \*

RAJYA SABHA

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**BILL**

further to amend the Motor Vehicles Act, 1988.

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*(Dr. John Brittas, M.P.)*

**Bill No. LXXXII of 2022**

THE NATIONAL COMMISSION FOR CONTROLLING MEDICAL  
INFLATION BILL, 2022

A

BILL

*to provide for the establishment of a National Commission for Controlling Medical  
Inflation in order to monitor, regulate and standardise the rising costs of  
medicines, medical diagnostic tests and pathological examinations,  
and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the National Commission for Controlling Medical Inflation Act, 2022.

Short title and  
commencement.

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

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

Definitions.

(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 Controlling the Medical Inflation established under section 3;

(c) “diagnostic laboratory” means a place owned or run by an industrial or a group of persons or by a private or corporate hospital where pathological tests or investigations are conducted on the advice of a bonafide medical practitioner; 5

(d) “diagnostic tests” means a variety of physical examinations both invasive and non-invasive, given by medical professionals to confirm the presence or absence of illness or disease in patients, which may include, but not limited to,—

(i) all such pathological tests that are prescribed by qualified doctors whether in a private clinic or a private and/or corporate hospital; and 10

(ii) all such scanning or imaging services, namely, x-ray, ultrasound, MRI, or CT scan, whether done in a private clinic or a private or corporate hospital;

(e) “medical expenditure” means expenses related to necessary medical, surgical, x-ray or dental services, including prosthetic devices, and necessary ambulance, hospital, professional, nursing and funeral services; 15

(f) “medical inflation” means an increase in the average medical expenditure per person from year to year;

(g) “medical practitioner” means a person who holds a valid registration or licence from the Medical Council of any State or Medical Council of India or Council for Indian Medicine or for Homeopathy set up by the Government of India or a State Government and is thereby entitled to practice medicine within its jurisdiction, and is acting within the scope and jurisdiction of the registration or license; and 20

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

Establishment  
of a National  
Commission  
for  
Controlling  
Medical  
Inflation.

**3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Commission for Controlling Medical Inflation in the country in order to monitor, regulate and control the rising costs of medicines, medical diagnostic tests and pathological examinations.** 25

**(2) The Commission shall consist of —**

**(a) Chairperson;**

**(b) Deputy Chairperson; and** 30

**(c) Five members**

**to be appointed by the President by warrant under his signature and seal from amongst the persons having special knowledge and vast experience in the field of public health, healthcare management, hospital and diagnostic tests industry.**

**(3) The Central Government may appoint such number of officers and staff including experts to the Commission as may be required for its efficient functioning.** 35

**(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, Deputy Chairperson, members, officers, staff and experts of the Commission shall be such as may be prescribed.**

**(5) The Commission shall have the power to regulate its own procedure.** 40

Functions of  
the  
Commission.

**4. The Commission shall perform functions which shall include but not be limited to, the following:—**

**(a) to monitor the rising medical expenses and out-of-pocket expenses regularly, and take necessary steps to control the medical inflation in the country;**

**(b) to standardise the prices of essential medicines, medical diagnostic tests, pathological tests and all other relevant medical and allied services across the country in order to reduce out-of-pocket expenses;** 45

(c) to determine the upper limit of the fee charged for each type of medical procedure, test and service from time to time in consultation with the appropriate Governments;

5 (d) to draft a national policy for the standardisation of medical expenses and design an appropriate quality assurance framework for both public and private service providers;

(e) to prepare a standard template for determining the cost of procedures including medical diagnostic tests and pathological tests;

10 (f) to conduct detailed costing exercise for hospitals across the country in order to determine average costing modalities and cost inputs under various components so as to streamline reimbursements as well as the pricing of healthcare services;

(g) to ensure the rational prescription of drugs by each medical practitioner with their generic names written legibly in capital letters; and

15 (h) to submit reports to the President regarding the activities undertaken by it while performing the functions referred to in clauses (a) to (f) and containing its recommendations, on annual basis or at such intervals as may be prescribed.

5. (1) The President shall cause to be laid before each House of Parliament, all the reports submitted to him under clause (g) of section 4 along with a memorandum explaining the reasons for not accepting any of the recommendations made thereon.

Report to be laid before each Houses of the Parliament and State Legislatures.

20 (2) Where the report or any of its part is related to any of the issues connected with the State Government, a copy of such report shall be forwarded to the Governor of that State, who shall in turn, along with an explanatory memorandum concerned with the action taken or proposed to be taken on the recommendations related to the State, if any, and reasons for not accepting any of the recommendations, cause to be laid such report before  
25 the State legislature.

5 of 1908 6. The Commission shall, for the purposes of discharging its functions under this Act, have all the powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit and, in particular in respect of the following matters, namely:—

Commission to have powers of Civil Court.

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

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

35 (e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

7. The appropriate Government shall consult the Commission on all policies related to the control and monitoring of medical inflation.

Appropriate Government to consult the Commission.

40 8. The Central Government shall, after due appropriation made by Parliament by law on this behalf, provide adequate funds to the Commission for carrying out the purposes of this Act.

Central Government to provide adequate funds to the Commission.

9. 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 may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

Act to have an overriding effect.

**10.** 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.

5

Power to make rules.

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

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or 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.

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## STATEMENT OF OBJECTS AND REASONS

In India, the Directive Principles of State Policy mandate the State to ensure the health and well-being of the workers, children and general public. Apart from that, the judicial review process has put the right to health under the purview of article 21 of the Constitution of India. Yet, affordable health care is a distant dream for a large number of people in the country. Every year, healthcare expenses are increasing at a very fast rate and even the middle class cannot afford hospitalisation.

2. In the year 2021, India witnessed the highest medical inflation rate of 14 per cent among Asian countries. As per the official data of the Ministry of Statistics and Programme Implementation, the cost of medical treatment in India went up by 7.21 per cent in April 2022. There is an accelerating rate of increase in the price of medicines, pathological diagnosis, hospitalisation and everything related to healthcare. This trend is more evident after the pandemic. A record 55 million Indians were pushed into poverty because of the high out-of-pocket (OOP) health expenses. This is more than the population of three countries—South Korea, Spain and Kenya. As of now, the out-of-pocket expenditure of an individual for healthcare is 63 per cent in India. This means that whether an individual has private health insurance or visits a Government healthcare facility for treatment, they will have to spend a significant amount from their pocket for getting treated in the country.

3. One of the most critical reasons for the high medical inflation is the exorbitant rate of medicines, diagnostic tests, pathological examination and cost of other allied services. The recent Economic Surveys also state that, there are wide differences in the average prices of medical diagnostic tests across cities. The available data reflects that a Lipid Profile Test can cost a minimum of Rs. 90 and a maximum of Rs. 7,110 in various States. Similarly, the cost of a 2D Echo Test varies from Rs. 500 to Rs. 5200, and Liver Function Test costs range between Rs.100 to Rs. 2500.

4. Diagnosis tests provide vital information to make informed decisions about treatment methods. Hence, limited affordability and less access to quality diagnostic and medical services are among the major challenges contributing to delayed or inappropriate responses to disease control and patient management. The recent findings of the Household Health Expenditure survey in India indicate that about 10 per cent of Out -of- pocket expenses are spent on diagnostic tests. Still, there is hardly any effective mechanism to monitor, control, regulate and standardise the price of these tests and essential drugs. Most hospitals follow market-based pricing for tests and allied services.

5. Therefore, there is an urgent need to regulate, monitor and standardise the price set by corporate hospitals, the differential pricing of drugs, and the functioning of pharmaceutical companies and diagnostic laboratories. The proposed Bill seeks to attain the objectives mentioned above through the establishment of the National Commission for Controlling Medical Inflation in the country.

Hence, this Bill.

SANDOSH KUMAR P.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Commission for Controlling Medical Inflation to carry out the responsibilities assigned to it. It also provides for the appointment of a Chairperson, Deputy Chairperson, members, officers, staff and experts to the Commission. Clause 8 provides for the Central Government to provide adequate funds for the functioning of the Commission.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India which cannot be estimated at present. Recurring expenditure is also likely to be incurred.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

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

RAJYA SABHA

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**BILL**

to provide for the establishment of a National Commission for Controlling Medical Inflation in order to monitor, regulate and standardise the rising costs of medicines, medical diagnostic tests and pathological examinations, and for matters connected therewith or incidental thereto.

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*(Shri Sandosh Kumar P., M. P.)*

THE NET ZERO EMISSIONS BILL, 2022

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ARRANGEMENT OF CLAUSES

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CLAUSES

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**Bill No. LXXXIII of 2022**

**THE NET ZERO EMISSIONS BILL, 2022**

A

BILL

*to provide a framework for achieving net zero emissions by the year 2070 as per India's nationally determined contributions under the United Nations Framework Convention on Climate Change and to provide relief for vulnerable persons and communities from drastic climate events in the form of maintaining a vulnerable population registry at the State and the district levels and for matters connected therewith or incidental thereto.*

*WHEREAS India is a signatory to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement;*

*AND WHEREAS it is necessary to implement international obligations in connection with minimizing and combating the adverse effects of climate change.*

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

CHAPTER I

PRELIMINARY

5           **1.** (1) This Act may be called the Net Zero Emissions Act, 2022.

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

Short title and  
commencement.

Definitions.

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

(a) "adaptation" means and includes the process of adjustment to actual or expected climate and its effects in human systems;

(b) "carbon capture and storage" means the process of capturing and storing carbon dioxide (CO<sub>2</sub>) before it is released into the atmosphere;

(c) "climate change" means a change in the state of the climate that can be identified by changes in either the mean or the variability in temperature, precipitation, wind patterns and other measures, or all of the aforementioned measures, of climate that persists for an extended period, typically decades or longer;

(d) "climate risk" means adverse consequences for human or ecological systems arising out of drastic climate events;

(e) "climate vulnerable communities" includes but is not limited to indigenous communities who experience lightened risk and increased sensitivity to climate change and have less capacity and fewer resources to cope with, adept to or recover from climate change.

(f) "Commission" means the Net Zero Emission Commission of India as established under section 3 of this Act;

(g) "Community-Ecosystem-Based-Adaptation approach" means the efforts made to achieve ecosystem restoration by encouraging reforestation or afforestation at community level through treepreneurs, aiming at community engagement, synergy between adaptation and mitigation, and behavioral modelling towards sustainable livelihood;

(h) "Deviation Settlement Mechanism penalty" means a regulatory mechanism set up by the State Electricity Regulatory Commissions to achieve stability in the electricity grid by penalizing or rewarding for overdrawl or injection or underdrawal or injection of electricity from the schedule as the case may be;

(i) "District Council" means the District Net Zero Emission Council established under section 12 of this Act;

(j) "drastic climate event" means and includes a catastrophe, mishap, calamity or grave occurrence of a sudden unprecedented nature in any area, arising out of climate change related impacts which results in substantial loss of life, way of life or human suffering or damage to, and destruction of property, or damage to the ecosystem or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the vulnerable persons of the vulnerable areas in the form of, but not limited to natural disasters;

(k) "Emission Reduction Plan" means a plan established under section 18;

(l) "Interim Emissions Target" means the target as set under section 15 of this Act;

(m) "milestone years" means any of the years 2030 or 2070, as the case may be;

(n) "mitigation measures" means the efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases;

(o) "National Net Zero Emissions Target" means the target for achieving Net Zero Emissions, as set under section 14 of this Act;

(p) "Net Zero Emissions" means cutting greenhouse gas emissions to as close to zero as possible, with any remaining emissions re-absorbed from the atmosphere, by oceans and forests;

(q) "person" means an individual and does not include any company or limited liability partnership or firm or association or body of individuals, whether incorporated or not;

5 (r) "physical risk" means physical damage to social and economic infrastructure as a result of climate change.

(s) "Renewable Energy Forecasting" means information on the predicted alterations in the renewable energy that is to be produced in the coming years;

(t) "Renewable Purchase Obligation" means a mandate to purchase a minimum specified quantity of renewable energy by the obligated entities;

10 (u) "State Council" means the State Net Zero Emission Councils established under section 10 of this Act;

(v) "systems thinking" means a way of thinking in a critical manner whereby the connections between the system's components are examined to comprehend a problem and make better decisions;

15 (w) "transition risks" means financial risks resulting from societal and economic changes towards a low-carbon and more environmentally sound future;

(x) "trepreneurs" means a community volunteer group, made responsible for the reforestation or afforestation drive, as the case may be, wherein indigenous seed varieties are planted to replace the invasive varieties.

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## CHAPTER II

### NET ZERO EMISSION COMMISSION OF INDIA

25 **3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be constituted, for the purposes of this Act, a Commission to be called as the Net Zero Emission Commission of India to perform the functions assigned to the Commission under this Act.**

Constitution of the Net Zero Emission Commission of India.

**(2) The head office of the Commission shall be at Delhi and the Commission may, with previous approval of the Central Government, establish offices at other places in India.**

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

**4. (1) The Commission shall consist of the following members:—**

Composition of the Commission.

35 **(i) a full-time Chairperson, being a person having specialized knowledge and scientific understanding of climate change and environment related impacts, to be appointed by the Central Government and shall exercise such powers and perform such duties, as may be prescribed.**

40 **(ii) not exceeding three expert members, having specialized knowledge and practical experience in the field of climate change and the environment including pollution and emission control, disaster and energy resource management, to be appointed by the Central Government.**

**(iii) eight *ex-officio* members to be nominated by the Central Government one each from the following:**

45 (a) Ministry of Home Affairs;

(b) Ministry of Environment, Forest and Climate Change;

(c) Ministry of Women and Child Development;

(d) Ministry of Agriculture and Farmers Welfare;

(e) Ministry of New and Renewable Energy;

(f) Ministry of Corporate Affairs;

(g) Ministry of Tribal Affairs; and

(h) Ministry of Jal Shakti.

5

**(iv) five non-official members to be appointed from amongst specialists, scientists and non-governmental organizations having special knowledge of, or experience in, matters relating to climate change and related impacts, emission control and climate sciences forming a Scientific Advisory Committee.**

(2) The Central Government shall ensure equal representation of men and women while appointing members to the Commission in the form of expert; *ex-officio* and non-official members. 10

(3) The Central Government may appoint such number of officers and staff to the Commission as may be required for its efficient functioning.

**(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and the other members, other than *ex-officio* members, officers and staff of the Commission shall be such as may be prescribed by the Central Government.** 15

Removal of  
Chairperson  
and members  
of the  
Commission.

**5. (1)** The Chairperson and other members of the Commission may at any time resign from their office by writing under their hand addressed,—

(a) in the case of the Chairman, to the Central Government; and 20

(b) in any other case, to the Chairperson of the Commission.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may remove from the Commission any member who, in its opinion, has—

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which involves moral turpitude; or 25

(c) become physically or mentally incapable of acting as a member; or

(d) so abused his position as to render his continuance in office detrimental to the public interest; or

(e) acquired such financial or other interest as is likely to prejudicially affect his functions as a member. 30

Meetings of  
the  
Commission.

**6. (1)** The Commission shall meet at least once in every six months at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum at its meetings, as may be prescribed:

Provided if, in the opinion of the Central Government or the Chairperson, any business of an urgent nature is to be transacted, a meeting of the Commission at such time as deemed fit for the aforesaid purpose, may be convened: 35

(2) The Chairperson shall preside at the meetings of the Commission.

(3) If for any reason the Chairperson is unable to attend any meeting of the Commission, any senior member of the Commission chosen by the members present at the meeting shall preside at the meeting. 40

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

(5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

- 5 (6) No act or proceeding of the Commission shall be invalidated merely by reason of—
- (a) any vacancy in, or any defect in the constitution of, the Commission; or
  - (b) any defect in the appointment of a person acting as a member; or
  - (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

10 **7.** If any default is made in holding a meeting of the Commission in accordance with sub-section (1) of section 6, every officer of the Commission who is in default shall be punishable with fine which may extend to one lakh rupees and in the case of a continuing default, with a further fine which may extend to five thousand rupees for every day during which such default continues. Punishment for default in holding meetings.

15 **8. (1) The Commission shall constitute a committee to be known as the Scientific Advisory Committee in such manner as may be prescribed to inform and advise the Central Government and the Commission on the emission trends and on any other matter as deemed fit by the Central Government and the Commission in the form of a report every three months.** Committees of the Commission.

20 **(2) The Commission shall constitute a committee to be known as the Net Zero Emission Advisory Committee in such manner as may be prescribed to inform and advise the Central Government and the Commission on the net-zero emission trajectory planning in achieving net zero emissions by the year 2070 or any other matter referred to it by the Central Government and the Commission.**

25 **(3) Without prejudice to the provisions of sub-section (1) and (2) the Commission may constitute such a number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act, in such manner as may be prescribed.**

30 **(4) A committee constituted under this section shall co-opt such number of persons, who are not the members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in its proceedings but shall not have the right to vote.**

35 **(5) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the Committee as may be fixed by the Central Government.**

- 9. (1) The Commission shall—** Functions of the Commission.
- (a) advise the Central Government upon review of the National Net Zero Emissions Target and, if necessary, recommend changes to the target;
  - (b) advise the Central Government on matters relating to countering the adverse impacts of climate change on vulnerable communities and eco-sensitive zones;
  - (c) conduct periodic reviews of Emission Reduction Plan to meet carbon reduction targets at the national and international level;
  - (d) prepare annual national climate change risk assessments as specified in section 23 of this Act;
  - (e) ensure coordination with other ministries of the Central Government and for purposes connected therewith, to appoint nodal officers in other ministries for ensuring proper coordination between the Commission and the Central Government with the aim of implementation of this Act.
- 45

- (f) conduct awareness and training programmes for officers and personnel; and
- (g) perform such other functions as may be prescribed, by the Central Government, for carrying out of the objectives of this Act.

## CHAPTER III

## STATE NET ZERO EMISSION COUNCILS AND DISTRICT NET ZERO EMISSION COUNCILS 5

State Net  
Zero  
Emission  
Council.

**10. (1) Every State Government shall, by notification in the Official Gazette, establish with effect from such date as it may specify in such notification, a State Net Zero Emission Council for the State.**

**(2) The State Council shall be an advisory body and consist of the following members, namely:—** 10

**(a) the Minister-in-charge of Ministry of the Environment, Forest and Climate Change in the State Government who shall be the Chairperson;**

**(b) such number of other official or non-official members to be nominated by the State Government representing such interests as may be prescribed;**

**(c) such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in climate sciences or legal environmental policy, environmental non-governmental organizations, including climate activists, tribal welfare activists or social workers.** 15

**(3) Equal representation of men and women shall be ensured by the Central and State Governments while appointing members to the State Council in the form of other official or non-official members.** 20

**(4) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.**

**(5) The State Council shall meet at such time and place as the Chairperson may think fit and shall observe such procedure in regard to the transaction of its business, as may be prescribed.** 25

Functions of  
State Council.

**11. (1) Every State Council shall render advice to the State Government concerned on setting specific emission targets in line with the National Net Zero Emission Target and on countering the adverse localized impacts of climate change on vulnerable communities and areas within the State.** 30

**(2) Without prejudice to sub-section (1), the State Council shall—**

**(a) prepare an Annual State Emission Reduction Plan on the lines of the National Emission Reduction Plan, as may be prescribed;**

**(b) deliberate and discuss on important interventions and measures undertaken to counteract the adverse impacts of climate change;** 35

**(c) conduct annual state climate risk assessments;**

**(d) conduct emission trend analysis at the State level to inform and advice the State Government on emission control measures.**

District Net  
Zero  
Emission  
Council.

**12. (1) Every State Government shall, by notification in the Official Gazette, establish for every District with effect from such date as it may specify in such notification, a District Net Zero Emission Council for such district.** 40

**(2) The District Council shall be an advisory body and consist of the following members, namely:—**

**(a) the District Magistrate of the district, by whatever name called, who shall be the Chairperson; and** 45

**(b) such number of other official and non-official members, to be nominated by State Government, representing climate scientists, non-governmental organizations working for the welfare of women and children, tribal groups and the environment, as may be prescribed.**

5 **(3) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.**

**(4) The District Council shall meet at such time and place within the district as the Chairperson may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.**

10 **13. (1) Every District Council shall render advice for setting district specific emission targets in line with the National Net Zero Emission Target and on countering the adverse localized impacts of climate change on vulnerable communities and areas within the district.**

Functions of the District Council.

(2) Without prejudice to sub-section (1), the District Council shall—

15 (a) prepare an Annual district emission reduction plan on the lines of the National Emission Reduction Plan, as may be prescribed;

(b) deliberate and discuss on important interventions and measures undertaken to counteract the adverse impacts of climate change within the district;

(c) conduct annual district climate risk assessments;

20 (d) conduct emission trend analysis at the district level to inform and advise the State Government on emission control measures.

CHAPTER IV

EMISSION REDUCTION

25 **14. (1) The National Net Zero Emission Target shall be fixed by the Central Government, in such manner that the net accounting emissions of greenhouse gases in a calendar year, other than biogenic methane, are zero by the calendar year beginning on first day of January in 2070 and for each subsequent calendar year; and**

National Net Zero Emissions Target.

(2) The National Net Zero Emission Target shall be considered to have been achieved if emission reductions meet or exceed those required thereunder.

30 **15. (1) The Central Government shall fix the target for emissions reduction for the year 2030 to be known as the Interim Emission Target, requiring to—**

Interim Emissions Target.

(a) reduce by the year 2030 emissions intensity by forty-five per cent. from 2005 levels;

35 (b) achieve about fifty per cent. cumulative electric power installed capacity from non-fossil fuel-based energy resources by the year 2030, with the help of transfer of technology and low-cost international finance including from Green Climate Fund;

(c) create an additional carbon sink of two and a half to three billion tonnes of carbon dioxide equivalent through additional forest and tree cover by the year 2030.

(2) The Interim Emission Target shall be considered to have been achieved if emissions reductions meet or exceed those required by the target as per the 2005 levels.

40 **16. (1) Notwithstanding the provisions of section 9, the Central Government may direct the Commission to conduct a review of the National Net Zero Emissions Target and the Interim Emission Target and report thereon and the Commission shall submit its report within six months of receipt of such direction.**

Review of targets.

Revision of targets.

**17. (1)** The Commission shall on the basis of the review under section 16, or otherwise, recommend changes in,—

(a) the time frame for achievement of the National Net Zero Emissions Target or the Interim Emission Target or parts thereof;

(b) the levels of emission reductions required by the National Net Zero Emissions Target or the Interim Emission Target or parts thereof; 5

(c) levels of the greenhouse gas emissions, and removals to which the National Net Zero Emissions Target or the Interim Emission Target or parts thereof applies or both.

(2) The Commission may recommend a change in the Net Zero Emission Target only if— 10

(a) significant change has occurred, or is likely to occur, since the submission of the report to one or more of the following,—

(i) India's obligations under relevant international agreements;

(ii) scientific understanding of climate change; 15

(iii) India's economic or fiscal circumstances;

(iv) technological developments;

(vii) equity implications, including generational equity;

(viii) the principal risks and uncertainties associated with emissions reductions and removals; and 20

(ix) social, cultural, environmental, and ecological circumstances.

(b) the Commission is satisfied that the significant change justifies the change to the target.

Emission Reduction Plan.

**18. (1)** The Central Government shall prepare a draft Emission Reduction Plan within six months of coming into force of this Act. 25

(2) The draft Emission Reduction Plan shall include, but not be limited to, the following—

(a) a detailed plan to phase-out the greenhouse gas emissions in India as per the targets set by the milestone years;

(b) measures to address off-shore emissions from international shipping and airplane emissions; 30

(c) sector-specific policies and measures to reduce greenhouse gas emissions;

(d) a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change;

(e) provision of utility infrastructure for green energy distribution, in the form of a stringent Renewable Purchase Obligation framework, establishment of a specialized agency for advanced Renewable Energy Forecasting that aims at reduced power procurement cost, abolition of Deviation Settlement Mechanism penalty, and reduced grid disturbances and outages; 35

(f) integration of Community-Ecosystem-Based Adaptation Approach in India's Climate adaptation and mitigation measures; 40

(g) integration of climate change risks into financial stability framework, so as to cover both physical risks and transition risks, formulate strategy to address climate change risks and the constitution of appropriate governance structure to that effect,

adoption of climate risk related financial disclosures and reporting mechanism, and capacity building of relevant stakeholders;

5 (h) provision for early-warning systems using sensors across water bodies and drains, and a network of communication for hotspots of emerging flood risk in the monsoon season;

(i) provision for early-warning systems to inform shift in wind patterns or other climatic variability that affects agriculture, and devise technical solutions for building in resilience and to suggest measures for diversifying crop varieties, support terrain specific crops, shifting crop patterns, and any other measures as required on case-to-case basis;

10

(j) provision for climate change resilient infrastructure that responds to and is aligned with the needs of vulnerable communities, the prevailing climatic conditions and topography;

(k) provisions for essential training resources and capacity building in climate risk management, disaster management, local area development, green entrepreneur drives, preparation of a team of dedicated professionals at national, state and district level to oversee the implementation of climate adaptation and mitigation measures;

15

(l) incorporation, wherever deemed necessary, of the climate smart public-private-partnerships for leveraging the low carbon pathways in infrastructure development, technical expertise, and financial resources;

20

(m) provision for developing climate change education curriculum involving 'systems thinking' to be adopted across the country; and

(n) any other policies or strategies that the Ministry considers necessary.

(3) The Commission may advise the Central Government on the direction of implementation of the policy required in the draft Emissions Reduction Plan within three months or release of the plan.

25

**19.** (1) The Central Government shall make the draft Emission Reduction Plan publicly available and conduct a public consultation, in cooperation with the Commission, in such manner as may be prescribed.

Public consultation for the Emission Reduction Plan.

30 (2) The public consultation shall include—

(a) inviting responses from the general public on the draft Emission Reduction Plan from and not limited to civil society organizations and relevant stakeholders; and

35 (b) any other appropriate mode as may be recommended by the Central Government in consultation with the Commission.

**20.** The National Green Tribunal shall have power to fix responsibility and make a declaration to that effect, together with award of cost in case of failure to meet the targets specified under section 14 and section 15 of this Act.

Effect of failure to meet the targets.

## CHAPTER V

### PROTECTION OF VULNERABLE COMMUNITIES

40 **21.** (1) The State Councils and District Councils shall respectively maintain a localized climate vulnerable community population registry.

Climate vulnerable communities population registry.

(2) The registry shall be maintained in such manner as may be prescribed by the State Government from time to time.

45 (3) The State Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or

certificate of climate vulnerability to communities or persons who may apply to be enrolled in the registry.

(4) The State Government while determining the vulnerability of a person or a community shall under this section have due regard to all or any of the following factors, namely:—

- (a) exposure to regional drastic climate variability;
- (b) historical susceptibility to drastic climatic events according to available sources of climate information;
- (c) frequency of economic and non-economic loss suffered due to drastic climate events;
- (d) access to technology and risk perceptions systems and their awareness;
- (e) loss of livelihood and customary and cultural practices of communities;
- (f) specialized impact of climate change unique to a person or community.

Relief to vulnerable persons and communities.

**22.** The Commission shall make recommendations to the Central Government to make available to such climate vulnerable communities or persons who are enrolled in the climate vulnerable community population registry, due to a drastic climate event, climate protection in the form of one or more reliefs in the form of specialized schemes to provide climate adaptation relief or climate rehabilitation relief or both.

CHAPTER VI

ADAPTATION AND MITIGATION

National Climate Risk Assessment.

**23. (1)** The Scientific Advisory Committee established under the Commission shall no later than one year after the commencement of the Act prepare the annual National Climate Risk Assessment.

(2) The National Climate Risk Assessment shall,—

- (a) assess the risks to India's economy, society, environment and ecology from the current and future effects of climate change; and
- (b) identify the most significant risks to India based on the nature of the risks, their severity and the need for coordinated steps to respond to those risks in the next six year period.

Sectoral Adaptation and Mitigation plans.

**24. (1)** The Commission shall prepare sectoral plans which shall be sector specific and aimed at emission reduction in the form of continuous assessment and monitoring that shall be undertaken by the Commission and the Committees, as may be prescribed.

(2) The sectoral plans at the State and District level shall be prepared by the State Councils and District Councils, respectively in consultation with the respective State Governments, District administration, and other relevant stakeholders, in such manner as may be prescribed.

(3) For the purpose of clause (1), the sectoral plans shall include but shall not be limited to the following sectors—

- (a) energy sector;
- (b) agricultural sector, livestock management;
- (c) transportation sector;
- (d) industrial sector; and
- (e) urban and infrastructural planning.

## CHAPTER VII

## FINANCE, ACCOUNTS AND AUDIT OF THE NET ZERO EMISSION COMMISSION

25. (1) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Emission Reduction Fund that shall be utilized for green house gas emission reduction activities as may be prescribed and there shall be credited thereto—

National Emission Reduction Fund.

(a) an amount which the Central Government may, after due appropriation made by Parliament by Law in this behalf provide;

(b) any grants that may be made by a person or institution for the purpose of emission reduction activities;

(c) all sums received by the Commission from such other sources as may be decided upon by the Central Government.

(2) Notwithstanding anything contained in any other law in force, the National Emission Reduction Fund shall be exclusively utilized for-

(a) financing procurement of zero emission technology;

(b) financing emission reduction projects;

(c) financing carbon capture solutions and creation of natural and artificial carbon sinks; and

(d) greenhouse gas emission reduction activities as may be prescribed by the Central Government.

26. The Commission shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditors report thereon.

Annual report of the Commission.

27. (1) The Commission shall prepare a budget, maintain proper accounts and other relevant records, including the accounts and other relevant records of the National Emission Reduction Fund, and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Budget, accounts and audit.

(2) The accounts of the Commission shall be audited by the 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 by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

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

28. The Central Government shall cause the annual report of the Commission and audit report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual report of the Commission to be laid before Houses of Parliament.

CHAPTER VIII

FINANCE, ACCOUNT AND AUDIT OF STATE COUNCIL

Grants of money by State Government to State Council. **29. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Council by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.** 5

State Emissions Reduction Fund. **30. (1) There shall be constituted a fund to be called the State Emissions Reduction Fund and there shall be credited thereto—**  
 (a) any grants and loans made to the State Council;  
 (b) any grants or loans made by the Commission;  
 (c) all sums received by the State Council from such other sources as may be decided upon by the State Government. 10

**(2) The State Emission Reduction Fund shall be utilized for—**  
 (a) financing procurement of zero emission technology;  
 (b) financing emission reduction projects;  
 (c) financing carbon capture solutions and creation of natural and artificial carbon sinks; 15  
 (d) conducting training and awareness programmes on achieving net zero carbon emissions; and  
 (e) any other expenses incurred in activities related to greenhouse gas emission reduction. 20

Annual report of State Council. **31. Every State Council shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.**

Audit of accounts of State Council. **32. The accounts of the State Council shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Council shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with audit report thereon.** 25

Annual report and audit report of State Council to be laid before the Houses of State Legislature. **33. The State Government shall cause the annual report and audit report of the State Council to be laid, as soon as may be after they are received, before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.** 30

CHAPTER IX

FINANCE, ACCOUNT AND AUDIT OF DISTRICT COUNCILS

Grants of money by State Government to District Council. **34. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the District Council by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.** 35

District Emissions Reduction Fund. **35. (1) There shall be constituted a fund to be called the District Emissions Reduction Fund and there shall be credited thereto—**  
 (a) any grants and loans made to the District Council;

**(b) any grants or loans made by the Commission or the State Council;**

**(c) all sums received by the District Council from such other sources as may be decided upon by the State Government.**

**(2) The District Emission Reduction Fund shall be utilized for—**

5

**(a) financing procurement of zero emission technology;**

**(b) financing emission reduction projects;**

**(c) financing carbon capture solutions and creation of natural and artificial carbon sinks;**

10

**(d) conducting training and awareness programmes on achieving net zero carbon emissions; and**

**(e) any other expenses incurred in activities related to greenhouse gas emission reduction.**

15

**36.** Every District Council shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

Annual report of the District Council.

**37.** The accounts of the District Council shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the District Climate Council shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with audit report thereon.

Audit of the accounts of District Council.

20

**38.** The State Government shall cause the annual report and audit report of the each District Council to be laid, as soon as may be after they are received, before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Annual report of the District Council to be laid before the Houses of State Legislature.

CHAPTER X

25

MISCELLANEOUS

**39.** Any dispute arising from any order or decision made by the Central Government or the Commission under the provisions of the Act shall lie before the National Green Tribunal within six months from the date on which such a dispute arose.

Power to adjudicate disputes.

30

**40.** No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the National Green Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of Jurisdiction.

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

Act not in derogation of any other law.

35

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

Power for removal of difficulties.

40

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

Power of Central Government to make rules.

(2) The State Government may by notification in the State Gazette, consistent with this Act and the rules may be the Central Government, make rules for carrying out the purposes of this Act.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification 5 in the rule or both Houses agree that 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.

(4) Every rule made by the State Government under this section shall be laid, as soon 10 as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

## STATEMENT OF OBJECTS AND REASONS

India is amongst the top three polluting nations in the world and the ten of the fifteen most polluted cities in the world are in India. Air pollution is considered the world's biggest environmental threat today, with the deaths accounting for over seven million across the world. In India, the share of premature deaths due to air pollution is 17.8% of all deaths. According to a recent scientific study, all 1.3 billion people of India reside in places where the average annual particle pollution level surpasses limits prescribed by the World Health Organization, and at the given rate of pollution level, the life expectancy of roughly 40 per cent. of India's population would decrease by an average of 7.6 years particularly in the Indo-Gangetic plains (IGP) in Northern India.

As per the national report of the Ministry of Earth Sciences, the rising greenhouse gases emissions is the primary reason behind the rising average temperature levels. By the end of 21st century, the temperature in India is projected to increase by 2.7 degree Celsius if all mitigation measures are undertaken, and by 4.4 degree Celsius if no such measures are undertaken. The rising temperatures are the key contributor towards extreme climatic events characterized by extreme droughts, intense heat waves, severe cyclones, heavy floods, the shift in monsoon patterns, and rising sea levels.

It is pertinent for a country like India to take measures towards lowering the emissions so as to not expose its people to adverse consequences of climate change. The most impacted and vulnerable groups are to be especially identified, provided for, and protected. However, as is known from the Global Climate Index, 400 million poor people are directly impacted by loss of livelihood loss in India, since they depend on climate sensitive sectors. Further, as per 5th Assessment Report of Inter-Governmental Panel of Climate Change, the marginalized and poor sections are directly and more gravely affected by climate change impacts.

It is in this spirit, that the Bill proposes to address the rising emissions and the resultant climate change impacts, provide special consideration for vulnerable groups facing the socio-economic challenges exacerbated by climate change, design a three-tier comprehensive adaptation and mitigation plan for the country that aims at capacity building of all stakeholders involved, building resilient infrastructure, and consultative and deliberative decision making process enshrining inclusivity and participatory democracy in line with the Nationally Determined Contributions declared by India under the Paris Agreement.

Hence, this Bill.

SUJEET KUMAR.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Net Zero Emission Commission at the national level and Clause 9 Bill provides for constitution of various Committees by the Commissions. Clause 11 provides for constitution of the State Net Zero Emission Councils and clause 14 provides for constitution of the District Net Zero Emission Councils.

Further, clause 28 provides for constitution of the National Emission Reduction Fund, clause 33 provides for constitution of the State Emission Reduction Fund and, clause 38 provides for constitution of the District Emission Reduction Fund. Clauses 32 and 37 provide for grants of money by the State Government to the State Emission Reduction Fund and the District Emission Reduction Fund, respectively.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India and of the States. It is estimated that a recurring expenditure of about rupees 200 crore would be incurred per annum from Consolidated Fund of India.

A non-recurring expenditure of about rupees 100 crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 44 of the Bill empowers the Central Government and the State 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.

RAJYA SABHA

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A

**BILL**

to provide a framework for achieving net zero emissions by the year 2070 as per India's nationally determined contributions under the United Nations Framework Convention on Climate Change and to provide relief for vulnerable persons and communities from drastic climate events in the form of maintaining a vulnerable population registry at the State and the district levels and for matters connected therewith or incidental thereto.

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*(Shri Sujeet Kumar, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LIX of 2022**

THE OFFICIAL LANGUAGES BILL, 2022

A

BILL

*to provide that all regional languages shall be used for all official purposes of the Union and for matters connected therewith or incidental thereto.*

WHEREAS in a democracy, the application of laws must be understandable to all its citizens;

AND WHEREAS the Hindi speaking population in India is concentrated in just six States and residents of the remaining States, which constitute the majority, have been discriminated against by not being allowed to conduct official business in their regional language;

AND WHEREAS the languages people speak helps in defining who they are and being allowed to communicate in the same language is part of our right to identity which is implicit in the fundamental rights guaranteed under Part III of the Constitution of India.

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

1. (1) This Act may be called the Official Languages Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

Definitions.

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

5

(a) "Committee" means the Official Language Committee constituted under section 6;

(b) "official purpose" means and includes:—

(i) communication between one Ministry or Department or office of the Central Government and another Ministry;

10

(ii) communication between one Ministry or Department or office of the Central Government and any corporation or company owned or controlled by the Central Government or any office thereof;

(iii) communication between the Central Government or any Ministry or Department or office thereof or any corporation or company owned or controlled by the Central Government or any office thereof and any State Government or any Ministry or Department or office thereof or any corporation or company owned or controlled by the State Government or any office thereof;

15

(iv) communication between any corporation or company owned or controlled by the Central Government or any office thereof and another;

20

(v) resolutions, general orders, rules, notifications, administrative or other reports or press releases issued or made by the Central Government or by a Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company;

25

(vi) administrative and other reports and official papers laid before the Houses of Parliament;

(vii) contracts and agreements executed, licences, permits, notices and forms for tender issued, by or on behalf of the Central Government or any Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company; and

30

(viii) proceedings conducted in High Courts of all States including any judgment, decree or order passed or made by the High Court.

(c) "official status" means the position given to all languages mentioned in the Eighth Schedule to the Constitution which can be used for official purposes;

35

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

Official status to languages in the Eighth schedule.

3. Notwithstanding anything contained in any other legislation for the time being in force, all languages listed in the Eighth Schedule to the Constitution, as of the day this Act comes into force, and those to be included by amending the Constitution, shall be given official status from such date on which this Act comes into force:

40

Provided that no language that has been removed from the Eighth Schedule to the Constitution by an amendment made to the Constitution shall be given official status.

Languages to be given official status for all official purposes of the Union.

4. All languages that have been given official status shall be used for all official purposes of the Union:

45

Provided that for communication between one Ministry or Department or office of the Central Government and another; or communication between one Ministry or Department or office of the Central Government and any corporation or company owned or controlled by the Central Government or any office thereof; or communication between any corporation or company owned or controlled by the Central Government or any office thereof and another; the official language or languages preferred by both the Ministries or Departments or other office of the Central Government or corporations of companies owned or controlled by the Central Government or any office thereof shall be taken into account and all communication between the Ministries or Departments or other office of the Central Government or any office thereof shall be conducted in all such official languages in such a way that they are all translations of one another:

Provided further that all communication between the Central Government or any corporation or company owned or controlled by the Central Government or any office thereof and any State Government or any corporation or company owned or controlled by the State Government or any office thereof shall be in both English and the Official language preferred by the State concerned and the official language preferred by the Central Government:

Provided further that all resolutions, general orders, rules, notifications, administrative or other reports, press releases issued or made by the Central Government or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company, administrative and other reports, official papers laid before a House or the House of Parliament, contracts and agreements executed, licences permits notices and forms for tender issued by or on behalf of the Central Government or by a corporation or company owned or controlled by the Central Government or by any office or such corporation or company, shall be issued in all official languages:

Provided further that proceedings of High Courts including any judgment, decree or order passed or made by a High Court may be in the official language adopted by the State in which the High Court is situated.

5. Notwithstanding anything provided in section 4, an English translation shall be provided at the time for all communications made for official purposes.

English translation of communications.

6. (1) The Central Government shall by notification in the official Gazette constitute an Official Languages Committee under the provisions of this Act within sixty days of its coming into force.

Establishment of Official Languages Committee.

(2) The Committee shall consist of twenty members, of whom ten shall be members of the House of the People and ten shall be members of the Council of States, to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of a single transferable vote.

7. The Committee shall promote the teaching and learning of all official languages in such manner as may be prescribed.

Functions of the Committee.

8. (1) The Committee shall annually submit a report to the President giving its recommendations therein and the President shall cause the report to be laid before each house of Parliament, and sent to all the State Governments.

Annual Report.

(2) The President may, after consideration of the report referred to in sub-section (1) and the views, if any, expressed by the State Government thereon, issued directions in accordance with the whole or any part of the report:

Provided that the directions so issued shall be consistent with the other provisions of this Act.

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 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both 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.

Repeal.

**10.** The Official Languages Act, 1963 with all its amendments is hereby repealed. 19 of 1963

## STATEMENT OF OBJECTS AND REASONS

The language we speak helps define who we are and adds to our sense of identity. It is an inalienable right conforming to the principles embodied in the United Nations International Convention on Civil and Political Rights and according to the spirit of Part III of the Constitution of India. It is, therefore, pertinent to make provisions that promote the linguistic and cultural diversity of India and not to stifle it.

2. In a democracy, the laws it applies must be understandable to all its citizens. Moreover, there can be no discrimination between people belonging to different states. If residents of one State are given the privilege to conduct official business in their mother tongue, the same privilege must be extended to all citizens. In the official dealings with institutions, all citizens must have the right to use their own regional language. While national integration is of paramount importance, we as a Union of States must also actively promote the freedom of its peoples to speak and write their own language.

3. India must be committed to maintaining its multilingual character. It is important for us to realize that the protection and promotion of regional languages represent an important contribution to the building of an India based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity.

The Bill seeks to achieve the above objectives.

TIRUCHI SIVA.

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that all official languages may be used for all official purposes of the Union. Clause 5 of the Bill provides that an English translation must be provided at all times for all communications made for official purposes. Clause 6 of the Bill provides for the constitution of an Official Languages Committee and Clause 7 of the Bill prescribes that the Committee shall promote the teaching and learning of all official languages. The Bill, if enacted will involve expenditure from the Consolidated Fund of India, however, at this stage, it is difficult to estimate the exact expenditure, both recurring and non-recurring.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of procedure or administrative details only. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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A

BILL

to provide that all regional languages shall be used for all official purposes of the Union  
and for matters connected therewith or incidental thereto.

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*(Shri Tiruchi Shiva, M.P.)*

MGIPMRND—1789RS(S3)—12-12-2022.

**Bill No. LXVII of 2022**

**THE PARLIAMENT (PRODUCTIVITY ENHANCEMENT) BILL, 2022**

A

**BILL**

*to provide for a framework for enhancing the performance of the Parliament by fixing minimum number of sittings for each House of the Parliament, extending the hours of a sitting, introduction of a short Session of Parliament in addition to the existing practice of three Sessions, institution of a mechanism to separately discuss opposition business, compensation for the hours unutilised due to disruption and for matters connected therewith and incidental thereto.*

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

**CHAPTER I**

**PRELIMINARY**

- 5      **1.** (1) This Act may be called the Parliament (Productivity Enhancement) Act, 2022.      Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification, appoint.

Definitions.

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

(a) "Committee" means the Opposition Business Committee constituted under section 7;

(b) "disruption" means the act of shouting of slogans or expressing violent behaviour or coming to the well of the House which leads to substantial delays in transaction of business or adjournment of the House; 5

(c) "Interruption" means interjection by a Member during the speech of another member; and

(d) "Opposition business" means the agenda and debates brought forward by the Members of the non-ruling parties. 10

(2) Words and expressions used in the Constitution and also in this Act, shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

## CHAPTER II

### SESSIONS OF EACH HOUSE OF PARLIAMENT

Number of Sessions in a year.

3. Subject to the provisions contained in article 85 of the Constitution, there shall be at least four Sessions, including a short Session, of each House of Parliament in a year. 15

Short Session.

4. A short Session of each House of Parliament in a year shall entail the following, namely:—

(a) the Session shall be of minimum fifteen days duration;

(b) the Session shall only be devoted to deliberation on at least two most urgent matters of public importance and no other business including Government legislative business shall be conducted; 20

(c) the agenda for the Session may be decided by all political parties represented in each House of Parliament;

(d) each political party may submit at least two matters for intended discussion in the short Session to the Business Advisory Committee of the respective Houses in accordance with the rules as may be prescribed; and 25

(e) the Business Advisory Committee of the respective Houses shall decide the final topics for discussion and recommend allocation of time for such discussions in each House. 30

## CHAPTER III

### SITTINGS OF THE PARLIAMENT

Minimum number of sittings of each House of Parliament in a year.

5. Each House of the Parliament shall compulsorily sit for not less than one hundred and twenty days in a year.

Motion for extension of a sitting.

6. (1) Except during Private Members' Business, a member may move a motion, without a prior notice, to extend a sitting beyond the scheduled hour for its conclusion for the purpose of considering a specified item of business subject to the following condition: 35

(a) the motion shall relate to the business being considered at that point of time;

(b) the motion shall be proposed in the last hour before the scheduled hour for inclusion of the sitting; and 40

(c) the motion shall not be subject to debate or amendment.

(2) In putting the question on a motion, the Chairman or the Speaker, as the case may be, shall collect voices both of Ayes and Noes in such manner as may be prescribed and the question before the House shall be determined accordingly.

5

**CHAPTER IV**  
**OPPOSITION BUSINESS COMMITTEE**

**7.** (1) The Chairman or the Speaker, as the case may be, shall, from time to time, constitute an Opposition Business Committee in each house of Parliament consisting of eight members to be nominated in such manner as may be prescribed.

Constitution of Opposition Business Committee.

10 (2) The Committee constituted under sub-section (1) shall hold office until a new Committee is nominated.

**8.** (1) The Chairman of the Committee shall be appointed by the Chairman or the Speaker, as the case may, be from amongst the members of the Committee.

Chairman of Committee.

15 (2) If the Chairperson of the Committee is for any reason unable to act, the Chairman or the Speaker, as the case may be, may appoint another Chairperson of the Committee in his or her place.

(3) If the Chairperson of the Committee is absent from any meeting, the Committee shall choose another member to act as a Chairperson of the Committee for the meeting.

**9.** The quorum of the Committee shall be four.

Quorum.

20 **10.** (1) It shall be the function of the Committee to recommend the Opposition Business to be taken up on the respective House of a sitting on Monday during the Session periods other than a short Session and also time that shall be allocated for the opposition business.

Functions of Opposition Business Committee.

(2) The business recommended by the Committee shall have precedence over Government business.

25

**CHAPTER V**  
**INTERRUPTION OR DISRUPTION OF BUSINESS**

**11.** A member shall not be interrupted, except by the Chairman or the Speaker, or another member who is—

Exceptions for interruption.

(a) raising a point of order; or

30 (b) trying to clarify some matter raised by the member in his or her speech, but only if the member speaking is willing to give way and resume his or her seat and the member wishing to interrupt is called by the Chairman or the Speaker, as the case may be.

35 **12.** (1) The number of hours lost due to disruptions shall be compensated by extending a Session of the respective House by as many hours for which the sittings were adjourned due to disruptions.

Extension of session.

(2) For the purposes of sub-section (1), the Chairman or the Speaker, as the case may be, shall have inherent powers to extend the Session of the respective House.

CHAPTER VI  
MISCELLANEOUS

- Amendment of the Rules of Procedure.      **13.** The Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) and the Rules of Procedure and Conduct of Business in Lok Sabha may be amended, as deemed necessary, for the implementation of the provisions of this Act. 5
- Powers to make rules.      **14.** The Chairman or the Speaker, as the case may be, may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS

As the central institution of democracy, the India Parliament expresses the faith of the people and embodies the will of those in the Government. As the representative of India's diverse population, Parliament has a unique responsibility of balancing competing interests and catering to the needs of the people through democratic means of deliberations and discussions. The Indian Parliament which witnessed its most productive Session during the initial decades suffers from a limited number of sittings, frequent disruptions, and high absenteeism in the 21st century. The drastic reduction of Parliament productivity has seriously deteriorated the quality of discussion and hampered overall efficiency effectively.

2. The Parliament is the sole institution that secures the interests of the country as a whole. Apart from the regular legislative business, it also ensures that the Government is fully accountable to the people through the participation of non-ruling parties. However, the current framework does not adequately provide the members of the opposition parties with means to intervene and lead discussions which lead to more delays and disruptions. Consequently, both Houses of Parliament are not able to perform the crucial function of parliamentary oversight.

3. It is imperative to urgently reform and strengthen the existing system which is only possible by extending the number of days the Parliament functions. To keep up with the rapidly changing needs of the people, the working hours of Parliament in no situation should be reduced due to delays or disruptions. Further, a separate mechanism for the opposition parties to put forward the most pressing issues of the people could substantially bring down the incidences of disorder in both Houses of the Parliament.

The Bill seeks to achieve the above-stated objectives.

PROF. MANOJ KUMAR JHA.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for at least four Session including a short Session to be held in Parliament every year instead of the existing practice of three Sessions in a year. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred and thirty five crore per annum is likely to be involved from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 empowers Chairman, Rajya Sabha or Speaker, Lok Sabha, as the case may be to make rules for carrying out the provisions of the Act. The matters in respect of which the rules and regulations may be made are of procedure and administrative details and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

RAJYASABHA

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A

**BILL**

to provide for a framework for enhancing the performance of the Parliament by fixing minimum number of sittings for each House of the Parliament, extending the hours of a sitting, introduction of a short Session of Parliament in addition to the existing practice of three Sessions, institution of a mechanism to separately discuss opposition business, compensation for the hours unutilised due to disruption and for matters connected therewith and incidental thereto.

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*(Prof. Manoj Kumar Jha, M.P.)*

**Bill No. LVI of 2022**

**THE PREVENTION OF INSULT TO THE FATHER OF THE NATION  
AND OTHER ICONS OF FREEDOM MOVEMENT BILL, 2022**

A

**BILL**

*to prevent insult to the Father of the Nation and other icons of Freedom Movement or  
showing of respect to assassins of the Father of the Nation.*

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

**1.** (1) This Act may be called the Prevention of Insult to the Father of the Nation and other Icons of Freedom Movement Act, 2022.

Short title and commencement.

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

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

Definitions.

(a) 'Father of the Nation' means Mohandas Karamchand Gandhi *alias* Mahatma Gandhi.

(b) 'insult' means exhibiting contempt or disrespect to the Father of the Nation and other icons of Freedom Movement by words, either spoken or written, or by acts and includes showing respect to the assassins of the Father of the Nation; and

(c) 'other icons of Freedom Movement' means persons who fought for freedom of the country and monuments related to freedom movement. 5

Penalty.

**3.** Whoever in any public place or in any other place within the public view insults the Father of the Nation or other icons of Freedom Movement, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Penalty on second and subsequent convictions.

**4.** Whoever, having already been convicted of an offence under section 3, is again convicted of any such offence, shall be punishable for the second and every subsequent offence, with imprisonment for a term which shall not be less than three years. 10

#### STATEMENT OF OBJECTS AND REASONS

During the recent years, instances of insult to the Father of the Nation and other icons of Freedom Movement have increased. The existing laws have failed to check repeated insults to the Father of the Nation and other icons of Freedom Movement, miserably. In such scenario it is necessary to undertake measures to ensure respect owed to Freedom Struggle and its heroes, by providing and legislating harsh punishment to those who are trying to malign the image of the Father of the Nation and other icons of Freedom Movement.

Hence, this Bill.

JAVED ALI KHAN.

RAJYA SABHA

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A

**BILL**

to prevent insult to the Father of the Nation and other icons of Freedom Movement or showing of respect to assassins of the Father of the Nation.

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*(Shri Javed Ali Khan, M.P.)*

**Bill No. LXI of 2022**

THE PREVENTION OF MONEY-LAUNDERING  
(AMENDMENT) BILL, 2022

A

BILL

*further to amend the Prevention of Money-Laundering Act, 2002.*

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

1. (1) This Act may be called the Prevention of Money-Laundering (Amendment) Act, 2022. Short title and commencement.

5 (2) It shall come into force at once.

2. In the Prevention of money-Laundering Act, 2002 (hereinafter referred to as the principal Act), in section 6,— Amendment of section 6.

10 (a) in sub-section (1), after the words, "powers and authority conferred by or under this Act", the words, "after consultation with the Chief Justice of India" shall be inserted.

(b) in sub-section (12), after the words, "after giving necessary opportunity of hearing", the words "and after consultation with the Chief Justice of India" shall be inserted.

Amendment of  
section 50.

**3.** In section 50 of the principal Act,—

(a) in sub-section (1), for the words, "have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908", the words "have the same powers as are vested in an agency under the Delhi Special Police Establishment Act, 1946" shall be substituted. 5 of 1908  
25 of 1946  
5

(b) in sub-section (2), for the words "he considers necessary whether to", the words "is necessary to" shall be substituted.

(c) sub-section (4) shall be deleted.

(d) in sub-section (5), in clause (b), for the words "the previous approval of the Joint Director", the words "the previous approval of the Court" shall be substituted. 10

## STATEMENT OF OBJECTS AND REASONS

Under the Prevention of Money-Laundering Act, 2002, in order to ensure impartiality and to ensure that the principle of the separation of powers is upheld, there is a need to have wider consultation regarding the appointment and removal of the adjudicating authority.

2. The authority under the Act which is enjoying the powers of a quasi-judicial system as well as an enquiring agency, and at the same time functioning under the government loses its independent working character. Therefore, there is need to ensure the independent character of the authority.

3. The enforcing authority, being under the government and having been vested with quasi-judicial powers, does not stand up to the principles of separation of powers, and also is resulting in the high centralisation of power. Therefore, there is need to ensure to uphold the principle of separation of power under the Act to ensure fairness in dispensing justice to the People.

4. The Bill seeks to achieve the above objectives.

DR. V. SIVADASAN.

ANNEXURE

EXTRACTS FROM THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

\* \* \* \*

Adjudicating  
Authorities,  
composition,  
powers etc.

**6.** (1) The Central Government shall, by notification, appoint an Adjudicating Authority to exercise jurisdiction, powers and authority conferred by or under this Act.

\* \* \* \*

(12) The Chairperson or any other Member shall not be removed from his office except by an order made by the Central Government after giving necessary opportunity of hearing.

\* \* \* \*

Powers of  
authorities  
regarding  
summons  
production of  
documents and  
to give  
evidence, etc.

**50.** (1) the Director shall, for the purposes of section 13, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

(a) discovery and inspection;

(b) enforcing the attendance of any person, including any officer of a reporting entity and examining him on oath;

(c) compelling the production of records;

(d) receiving evidence on affidavits;

(e) issuing commissions for examination of witnesses and documents; and

(f) any other matter which may be prescribed.

(2) The Director, Additional Director, Joint Director, Deputy Director or Assistant Director shall have power to summon any person whose attendance he considers necessary whether to give evidence or to produce any records during the course of any investigation or proceeding under this Act.

(3) All the persons so summoned shall be bound to attend in person or through authorised agents, as such officer may direct, and shall be bound to state the truth upon any subject respecting which they are examined or make statements, and produce such documents as may be required.

(4) Every proceeding under sub-sections (2) and (3) shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code. 45 of 1860

(5) Subject to any rules made in this behalf by the Central Government, any officer referred to in sub-section (2) may impound and retain in his custody for such period, as he thinks fit, any records produced before him in any proceedings under this Act:

Provided that an Assistant Director or a Deputy Director shall not—

(a) impound any records without recording his reasons for so doing; or

(b) retain in his custody any such records for a period exceeding three months, without obtaining the previous approval of the Joint Director.

RAJYASABHA

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A

**BILL**

further to amend the Prevention of Money-Laundering Act, 2002.

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*(Dr. V. Sivadasan, M.P.)*

**Bill No. XC of 2022**

THE PREVENTION AND PROHIBITION OF WITCH-BRANDING AND  
WITCH-HUNTING AND OTHER HARMFUL PRACTICES BILL, 2022

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ARRANGEMENT OF CLAUSES

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CLAUSES

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11. Punishment for attributing misfortune.
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(ii)

CLAUSES

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**Bill No. XC of 2022**

THE PREVENTION AND PROHIBITION OF WITCH-BRANDING AND  
WITCH-HUNTING AND OTHER HARMFUL PRACTICES BILL, 2022

A

BILL

*to provide for effective measures to prevent, prohibit and protect persons especially women from witch-branding and witch-hunting, to eliminate their torture, oppression, humiliation, killing, sexual assault, stigmatization, discrimination, ostracization by providing punishment for such offences, relief and rehabilitation of victims of such offences and for matters connected therewith or incidental thereto.*

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

CHAPTER I

PRELIMINARY

5       **1.** (1) This Act may be called the Prevention and Prohibition of Witch-Branding and Witch-Hunting and Other Harmful Practices Act, 2022. Short title and commencement.

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

Definitions.	<p><b>2.</b> (1) In this Act, unless the context otherwise requires,—</p> <p>(a) “abettor” means any person who brands or identifies anyone as witch;</p> <p>(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases the Central Government;</p> <p>(c) “Court” means a Court of Metropolitan Magistrate or Judicial Magistrate of the first-class exercising jurisdiction in the area where offence is alleged to have taken place or of and other Judicial Magistrate of the first class or the Court of Sessions specified as a Special Court by sub-section (1) of section 11 of the Criminal Code;</p> <p>(d) “Criminal Code” means the Code of Criminal Procedure, 1973;</p> <p>(e) “police station” includes police outposts;</p> <p>(f) “witch” means any person especially women, who has been branded as witch or <i>Daini, Daina, Dakni, Dakan, Bhootni, Booutuni, Dayan, Tonhi, Tonaha, Chedel, Chud, Shakan, Shakani, Bhootdi, Vantri, Daain, Chudail, Dayan, Dahani, Chetkin, etc.</i> by a person or persons in belief that such persons has powerintention to harm anyone;</p> <p>(g) “witch-branding and witch-hunting” means identifying, calling, stigmatizing, defaming or accusing any woman as witch by any other person by words, or by signs or by indications or conducts or actions or practices or in any other manner, thereby causing or abetting physical or mental harm or execution of a person or persons which may involve mass frenzy, physical, emotional, sexual, economic and property related violence, lynching or any other activities;</p> <p>(2) Words and expressions used but not defined in this Act and defined in the Criminal Code or the Indian Penal Code, 1860 shall have the same meanings as assigned to them in the Criminal Code and Indian Penal Code.</p>	<p>5</p> <p>2 of 1974</p> <p>10</p> <p>15</p> <p>20</p> <p>45 of 1860</p>
Prohibition of witch-branding and witch-hunting.	<p><b>3.</b> Witch-branding and witch-hunting is hereby prohibited.</p>	<p>25</p>

## CHAPTER II

### PUNISHMENT FOR OFFENCES

Punishment for witch-branding and witch-hunting.	<p><b>4.</b> (1) Whoever contravenes the provision of section 3 shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend up to seven years and with fine, which shall not be less than one lakh rupees but which may extend to five lakh rupees:</p> <p>Provided that the Court may, for adequate and special reasons, to be recorded in the judgment, impose a sentence of imprisonment of either description for a term of less than one year.</p> <p>(2) Any person convicted of an offence of witch-branding and witch-hunting shall be disqualified from inheriting, or taking on lease, rent or by any other means, the property of the person against whom such offence has been committed.</p>	<p>30</p> <p>35</p>
Punishment for causing death.	<p><b>5.</b> Whoever, assaults or uses violent force against a person accusing such person to be a witch, resulting in her or his death, shall be punished in accordance with section 302 of the Indian Penal Code, 1860.</p>	<p>40 45 of 1860</p>
Punishment for abetment of suicide.	<p><b>6.</b> Whoever intimidates a person identifying, calling, stigmatizing, defaming or accusing such person to be a witch and does any act leading or compelling the person to commit suicide shall be punished with imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life and with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.</p>	<p>45</p>

7. Whoever, on the pretext of witch-branding and witch-hunting a person uses criminal force against such person or instigates or provokes others in doing so with the intent to harm or to displace the person from the house, agricultural land, village or the property, lawfully occupied or owned by him or her or interferes with his or her rights over any land or premises or to coerce him or her to leave the house or village of which he or she is a rightful owner, resident or a visitor, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to ten years and with fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees.
- Punishment for use of criminal force for displacing a person from lawfully occupied property.
8. Whoever, on the pretext of witch-branding and witch-hunting a person assaults or uses criminal force against such person to remove or causes to remove clothes from his or her body and demonstrates and parades him or her naked or with such scanty clothes that fail to protect his or her modesty, shall be punished with imprisonment of either description for a term which shall not be less than seven years, but which may extend to ten years and with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.
- Punishment for using criminal force to outrage modesty.
9. Whoever, on the pretext of witch-branding and witch-hunting a person—
- (i) subjects that person to any form of torture including acts of stoning, hanging, stabbing, dragging, public beatings, cutting or burning any part of the body or of hair, forced hair shavings, pulling of nails or teeth out, cutting of nose or other body-parts, blackening of face, whipping, branding with hot objects or use of any other blunt or sharp weapons or objects; or
- (ii) forces that person to perform public acts of humiliation or to eat human excrement or to drink urine or to drink or eat inedible or obnoxious substances or to socially ostracized or to stigmatize for life or to prohibit to participate in auspicious occasions, to curtail movements and employment or subjects him or her to taunts, slurs and other verbal abuses,
- shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to ten years and with fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees.
- Punishment for torture.
10. Whoever, on the pretext of witch-branding and witch-hunting a person, damages his or her reputation and dignity, or with intention to sexually exploit or to extort money or the property, or any other ulterior motive, identifies, calls, stigmatizes, defames or accuses a person as witch, shall be punished with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years and with a minimum fine of one lakh rupees which may extend to five lakh rupees.
- Punishment for damaging reputation, dignity etc.
11. Whoever, on the pretext of witch-branding and witch-hunting a person, blames such person of any misfortune that befalls his or her village or area or locality or community which may also include natural disasters, such as droughts, floods, crop loss, illness, death of cattle or any death in the village, shall be punished with imprisonment of either description for a term which may extend to three years and with fine which shall not be less than one lakh rupees which may extend to five lakh rupees.
- Punishment for attributing misfortune.
12. Whoever, knowingly or having reasons to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of shielding the offender from legal punishment, or with that intention misleads investigation or gives any information, regarding the offence, which he knows or believes to be false, shall, be liable for punishment as provided under sections 182 and 201 of the Indian Penal Code, 1860.
- Punishment for causing disappearance of evidence.
13. Whoever, attempts to commit any offence under this Act and does any act towards such commission shall be liable for punishment in accordance with the provisions of section 511 of the Indian Penal Code, 1860.
- Punishment for attempt to commit offences.

Punishment for abetment of offence.

**14.** (1) Whoever, abets any offence under this Act, shall be liable for the same punishment provided for that offence under the relevant provisions of this Act.

(2) A public servant who wilfully refuses to register a complaint for an offence under this Act or neglects the investigation or tries to withhold facts and evidences relating to the complaint with intention to minimize the gravity of the offence shall be deemed to have abetted the offence and shall be liable for punishment for the offence as provided under this Act. 5

Punishment for community involvement.

**15.** If it is established that there has been community involvement in causing such offences under this Act, everyone of the community involved shall be punished with which shall not be less than one lakh rupees each but may extend to five lakh rupees and whoever fails to deposit the said fine shall undergo one year imprisonment in addition to the punishment imposed upon him by the court fixing specific accusations in the proceeding. 10

### CHAPTER III

#### TRIAL OF OFFENCES

Offences to be cognizable, non-bailable and non-compoundable.

**16.** Notwithstanding anything contained in the Criminal Code, every offence under this Act shall be cognizable, non-bailable and non-compoundable. 15

Imprisonment for non-payment of fine.

**17.** Any person, who wilfully or otherwise, fails to pay the fine ordered by a Court, shall be liable to undergo imprisonment as provided under section 64 of Indian Penal Code, 1860. 45 of 1860

Provision for compensation to the victim.

**18.** (1) The fine realized as punishment for an offence under this Act shall be paid to the victim as compensation. 20

(2) The compensation paid under sub-section (1) shall not be compounded with any other compensation or financial assistance which the appropriate Government may decide to pay as immediate relief to the victim or the rehabilitation grant payable under section 24.

Appeal.

**19.** Subject to the provisions of the Criminal Code, the aggrieved person shall be eligible to file an appeal to the next higher Court within ninety days of the date on which the Court concerned has passed the order: 25

Provided that the Court may entertain an appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the stipulated period.

### CHAPTER IV

30

#### LEGAL PROCESSES FOR SPEEDY JUSTICE

Speedy trial.

**20.** (1) **It shall be the duty of the appropriate Government to establish adequate number of Courts to ensure that trial of offences under this Act are completed within a period of sixty days.**

(2) The appropriate Government shall ensure that every appeal under this Act is disposed of within a period of ninety days from the date of the filing of the appeal. 35

Special Public Prosecutor.

**21.** (1) **The appropriate Government shall appoint a Special Public Prosecutor in all Courts for trial of cases under this Act.**

(2) A Special Public Prosecutor shall be an advocate, who has been in practice as an advocate for not less than seven years and preferably known for human rights work. 40

## CHAPTER V

MEASURES FOR PREVENTION AND PROTECTION OF PERSON FROM WITCH-BRANDING  
AND WITCH-HUNTING

22. (1) When a police officer receives information or a report that witch-branding or  
5 witch-hunting is likely to be committed or there are reasonable grounds to suspect that  
witch-branding and witch-hunting is being committed against a person, the officer shall  
immediately proceed to the place and shall take all suitable and adequate measures to prevent  
the witch-branding or witch-hunting and rescue the victim. Duties of the  
police to  
rescue and  
protect  
persons.

(2) It shall be duty of the police authority, as may be specified, to provide protection  
10 to a victim or a likely victim of an offence under this Act, including getting such person  
admitted in a recognized protective or shelter home either run by the Government or by a  
recognized voluntary organisation, in case the person has no place for shelter or fears attack  
by any person and to ensure security measures including providing police protection.

(3) The police officer shall immediately remove or cause to remove the person and the  
15 objects suspected or likely to harm a victim or likely victim and shall verbally or in writing  
warn the person or persons accused of having intention or attempting to commit witch-  
branding and witch-hunting to leave the place immediately and abstain from inflicting any  
harm upon the victim or likely victim and in case, the situation warrants, the police officer  
may cause arrest of the person(s), who may be identified as an abettor.

(4) Whenever an offence under the Act is reported to a police officer, in whose jurisdiction  
20 the offence is committed, the officer concerned shall record the same and shall take action in  
accordance with the provisions contained in the Criminal Code and shall take necessary  
steps to collect forensic and other evidence as per the Indian Evidence Act 1872.

1 of 1872.

(5) A police officer having the area of jurisdiction shall take necessary steps to protect  
25 the persons, associated with social works or voluntary organisation, who organize awareness  
programmes against witch-branding and witch-hunting.

23. The Central Government shall,—

(a) direct the National Commission for Women to prepare a strategy document  
to ensure awareness building through digital campaigns and mass drives and for  
30 ensuring the elimination of the practice of witch-branding and witch-hunting; and

(b) **set up a National Monitoring Committee for the monitoring and reviewing  
of the implementation of the Act with such composition as may be prescribed:**

Provided that the National Monitoring Committee shall include members  
of civil society and representatives of Non-Government Organisations working  
35 on issues of witch-branding and witch-hunting.

24. **The Central Government shall provide adequate funds after due appropriation  
made by Parliament by law, for carrying out the purposes of the Act.**

Duties of the  
Central  
Government.

Central  
Government  
to provide  
funds.

25. The State Government shall,—

(a) designate adequate personnel in the State Commission for Women to monitor  
40 the implementation of the Act;

(b) provide resources to districts where incidents of witch-branding and witch-  
hunting are prevalent for carrying out the purposes of this Act;

(c) direct the State Commission for Women to take measures for sensitization  
and training of all stakeholders including officials and public regarding the issue of  
45 witch-branding and witch-hunting;

(d) ensure confidentiality during testimony of victims as well as witnesses;

Duties of the  
State  
Government.

(e) grant relief and compensation for victims of witch-branding and witch-hunting in such manner as may be prescribed;

(f) provide rehabilitation mechanisms and schemes for victims of witch-branding and witch-hunting in such manner as may be prescribed;

(g) provide medical and counselling services for victims of witch-hunting; 5

(h) increase public awareness through various mechanisms to inform communities about the Act, including engagement with tribal leaders, faith leaders, caste leaders, community leaders;

(i) take steps for launching of campaigns against witch-branding and witch-hunting through combined efforts of, administration, voluntary organisations, non-Governmental organisations, women's organisations, concerned individuals and academics, educational institutions etc. especially in regions where the menace of witch-branding and witch-hunting is most rampant; 10

(j) take steps for organizing women's groups at village level and drawing up creative plans in consultation with such groups to enhance the self-confidence and economic independence of vulnerable women in such areas; and 15

(k) take appropriate measures to improve education and health in such affected areas.

Steps to be taken at the district level.

**26. (1)** The District Magistrate shall, in consultation with the field level voluntary organizations, identify areas in the district which are prone to incidents of witch-branding and witch-haunting and designate person(s) to ensure awareness on the practices of witch-branding and witch-hunting, ensure prevention and prohibition of such practices. 20

(2) The appropriate Government shall set up a district level task force consisting of representatives from concerned non-Governmental organisations, women's organisations and individuals to address the issue of witch-hunting and witch-branding, in all areas where there has been recurring incidents of witch-branding and witch-hunting and with such functions, as may be specified. 25

(3) Every district level task force shall prepare an annual district level action plan along with budget requirements to address cases of witch-branding and witch-hunting in such manner as may be prescribed. 30

(4) The district level task force shall submit periodic reports to the State Government on the field situation, including number of cases handled, compensation and rehabilitation provided in such manner as may be prescribed.

(5) The State Government shall submit periodic reports to the National Monitoring Committee at least once annually in such manner as may be prescribed. 35

(6) All Government functionaries and local bodies including Panchayats as may be specified by the District Magistrate in relation to any area and the inhabitants of such area shall, if they have reason to believe or have the knowledge that witch-branding and witch-hunting is about to be, or has been, committed in the area, shall forthwith report such fact to the nearest police station and assist the police in the execution of the provisions of this Act or any rule or order made there under. 40

## CHAPTER VI

### SPECIAL PROVISIONS

Rehabilitation of affected persons.

**27. (1)** The appropriate Government shall provide for rehabilitation grant to be paid to the victim or next of kin in such manner as may be prescribed for the offences committed against such person under this Act and, for any other offence or offences which have not been defined in the Act but have been defined in other criminal laws, for the time being in force. 45

(2) It shall be the responsibility of the District Magistrate to draw a long-term community-based rehabilitation plan in consultation with the Gram Panchayat functionaries, in order to ensure that the victim of witch-branding and witch-hunting or next of kin is settled in the community itself with the resources including movable and immovable assets of such person restored, or if these have been destroyed, then adequately compensated as per status before the crime and in case, the victim or next of kin cannot be restored within the community, they shall be provided with adequate support and resources including homestead land or housing in a nearby village or urban area.

(3) The appropriate Government shall establish One Stop Crisis Centres at the Block Level with such functions, as may be specified.

39 of 1987 **28.** A victim of witch-branding and witch-hunting or their next of kin shall have right to free legal services under the Legal Services Authorities Act, 1987. Right to free legal aid to victims.

## CHAPTER VII

### MISCELLANEOUS

15 **29.** Section 360 of the Criminal Code and the provisions of the Probation of Offenders Act, 1958 shall not apply to any person of the age of twenty-one years and above, who is found guilty of having committed an offence under this Act. Non-application of section 360 of the Criminal Code or the Probation of Offenders Act, 1958 to persons guilty of an offence.

20 **30.** Nothing in section 438 of the Criminal Code shall apply in relation to any case involving the arrest of any person on accusation having committed an offence under this Act. Non-application of section 438 of the Criminal Code to persons committing an offence.

45 of 1860 **31.** Subject to other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter V-A, section 149 and Chapter XXIII of the Indian Penal Code shall, so far as may be, apply for the purposes of this Act as they apply for the purpose of the Indian Penal Code, 1860. Application of certain provisions of the Indian Penal Code.

25 **32.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time custom or usage or any instrument having effect. Act to override other laws.

30 **33.** No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority of the Government or any other person for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

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

35 (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 40 be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Witch-branding is the stigmatisation of specific groups of individuals, including for the most part, widowed women, childless women, old couples and lower caste women. Many women and children, and some men continue to be branded, castigated, externed to a life of isolation, or even killed, without adequate protection from the State and society. There is a strong gender dimension to witch hunts tilted towards women, given that a large majority of those killed in this patriarchal assertion are women, and amongst them widows, unmarried, and divorced or separated women and those who dare to assert themselves. It is not only a question of death for those condemned; those who escape death face a condemnation of their futures. Once suspected and accused of witchcraft, the affected person lives in perpetual fear and lifelong anxiety. They and their families are often subject to several human rights violations.

The practice of witch-hunting is most common across these twelve States of India—Jharkhand, Bihar, Haryana, West Bengal, Madhya Pradesh, Maharashtra, Gujarat, Odisha, Chhattisgarh, Assam, Rajasthan and Uttar Pradesh.

India currently lacks clear national laws to prevent witch-hunting. Punishment is usually awarded based on the Indian Penal Code, 1860. There is a failure to create a formal law on witch-hunting that violates a range of core rights laid down in numerous international treaties and conventions. It includes the right to non-discrimination, right to safety, right to life, right to access to national Courts, and the most significant, right to live a decent life, free from cruel and inhumane treatment.

Presently, section 323 of the Indian Penal Code, 1860 is used to deal with most cases of witch-hunting. The effect of this is that the persistent harassment of a woman, violence, social ostracization and deprivation of rights are prosecuted in the same way as a common assault. In addition, certain provisions of the Indian Penal Code, 1860 have been typically used to book offenders in cases relating to witch-hunting such as section 382 ‘theft after preparation made for causing death, hurt or restraint in order to commit theft’, sections 339—48 ‘wrongful restraint and confinement’, sections 320—22, ‘Causing grievous hurt’, sections 359—69, ‘Kidnapping and abduction’, sections 375—376, ‘Rape’, sections 499—501, ‘Defamation’ and section 302, ‘Murder’. The loopholes in the law and order are evident from the fact that, in most of the witch-hunting cases, the witch hunting laws of the respective States are not invoked, rather only the relevant clauses of Indian Penal Code, 1860 are cited.

The use of the aforesaid sections in the absence of a stringent law to deal with the problem of witch-hunting has resulted in an *ad hoc*, un-coordinated and often insensitive approach to tackle the social evil of witch-hunting. A national law on the other hand would acknowledge, understand and address the specific harms and specific wrong done to women who are labelled as witches and subjected to oppression. There is a need to prevent, prohibit and prosecute witch-hunting as a specific manifestation of ongoing discrimination and violence against women across India.

In summation, there is a clear need for building up a National Law for criminalizing witch-hunting practitioners and mob-violence against targeted families. Criminalisation and punishing those involved in witch-hunting is the most appropriate way to end superstition, harmful practices and provide redress to victims.

The proposed Bill, therefore, seeks to provide for more effective measures to protect people from ‘witch-branding and witch-hunting’ and prevent the act of torture, oppression, humiliation and killing by providing punishment for such offences, relief and rehabilitation of victims of such offences.

Hence, this Bill.

SUJEET KUMAR.

#### FINANCIAL MEMORANDUM

Clause 20 of the Bill provides for establishment of adequate number of Courts for trial of offences under this Act. Clause 21 provides for appointment of special public prosecutor in all Courts. Clause 23 provides for setting up of a National Monitoring Committee for implementation of this Act. Clause 24 provides that the Central Government shall provide funds for carrying out the purposes of the Act. Clause 27 provides for rehabilitation grant to the victim or next of kin and clause 28 provides for free legal aid to the victims.

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

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 34 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.

RAJYA SABHA

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A

BILL

to provide for effective measures to prevent, prohibit and protect persons especially women from witch-branding and witch-hunting, to eliminate their torture, oppression, humiliation, killing, sexual assault, stigmatization, discrimination, ostracization by providing punishment for such offences, relief and rehabilitation of victims of such offences and for matters connected therewith or incidental thereto.

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*(Shri Sujeet Kumar, M.P.)*

**Bill No. LXXXI of 2022**

**THE RIGHT OF CHILDREN TO FREE AND COMPULSORY  
EDUCATION (AMENDMENT) BILL, 2022**

A

**BILL**

*further to amend the Right of Children to Free and Compulsory Education Act, 2009.*

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

**1.** (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2022. Short title and commencement.

5 (2) It shall come into force at once.

35 of 2009.

**2.** In section 2 of the Right of Children to Free and Compulsory Education Act, 2009, (hereinafter referred to as the Principal Act), after clause (g), the following clause shall be inserted, namely:—

10 "(gg) 'learning outcomes' means assessment standards indicating the expected level of learning that children should achieve for each class."

Amendment of section 8.           **3.** In section 8 of the principal Act, after clause (i), the following clause shall be inserted namely:—

                                  "(j) ensure yearly evaluation of 'Learning outcomes' of each class and subject as required."

Amendment of section 18.           **4.** In section 18 of the principal Act, in sub-section (1), the words "other than a school 5 established, owned or controlled by the appropriate Government or the local authority" shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 was enacted with the good intention of providing free and compulsory education to the children of India. However, it suffers from a flaw that undermines its purpose. The exemption of schools established, owned or controlled by the appropriate Government or the local authority from the recognition criteria under section 18 of the Act, leaves many schools out of the requirements necessary for quality education. There is a need for amendment in the Act to ensure quality education in all the schools.

2. Secondly, in evaluating the performance of schools, apart from the "inputs" the addition of evaluation of learning outcomes can be a tool for significantly improving the quality of learning. The principal Act is completely silent on learning outcomes. The current Bill provides for the right to quality education while ensuring quality learning outcomes.

Hence, this Bill.

DEREK O'BRIEN.

*ANNEXURE*

EXTRACT FROM THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

(ACT No. 35 OF 2009)

\* \* \* \* \*

No School to  
be established  
without  
obtaining  
certificate of  
recognition.

**18.** (1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

\* \* \* \* \*

RAJYA SABHA

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A  
BILL

further to amend the Right of Children to Free and Compulsory Education Act, 2009.

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*(Shri Derek O' Brien, M.P.)*

**Bill No. LXII of 2022**

**THE RIGHT TO DIGITAL LITERACY BILL, 2022**

A

**BILL**

*to provide for a Digital Literacy Curriculum in all educational institutions to make the youth digitally literate and for matter connected therewith or incidental thereto.*

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

**1.** (1) This Act may be called Right to Digital Literacy Act, 2022.

Short title and  
commencement.

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

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

Definitions.

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

(b) "Curriculum" means the Digital Literacy Curriculum formulated under  
10 section 3;

(c) "data privacy" means empowering individuals to make their own decisions about who can process their data and for what purpose;

(d) "data protection" means keeping data safe from unauthorized access;

(e) "digital" means regularly updating and cleaning electronic devices, using passwords that follow security protocols, organizing the files stored on the device, optimizing setting etc;

(f) "digital literacy" means the knowledge, skills and attitudes that allow individuals to be both safe and empowered in an increasingly digital world;

(g) "disinformation" means false information deliberately spread to deceive people;

(h) "educational institutions" means all schools and colleges in the territory of India;

(i) "impact assessment" means a holistic evaluation to understand the extent to which the Curriculum has penetrated into the lives of children and young adults and has enabled them to use the internet safely;

(j) "misinformation" means incorrect or misleading information;

(k) "Online Financial Fraud" means the act of obtaining financial gain through profit-driven criminal activity, including identity fraud, ransomware attacks, email and internet fraud, and attempts to steal financial account, credit card, or other payment card information;

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

(m) "sextortion" means a form of online abuse, wherein the cybercriminal makes use of various channels like instant messaging applications, short messaging service, online dating applications, social media platforms, porn sites etc., to lure the users into intimate video or audio chats and makes them pose nude or obtains revealing pictures from them;

(n) "social media etiquette" means treating others with respect online, personal information, images, or videos of anyone not to be shared without consent etc.; and

(o) "virtual digital asset" shall have the same meaning as defined under sub-section (c) of section 3 of the Finance Act, 2022.

Digital  
Literacy  
Curriculum.

**3. (1)** The appropriate Government shall, within six months from the date of commencement of this Act formulate a Digital Literacy Curriculum by notification in the Official Gazette for carrying out the purposes of this Act.

(2) From such date, as the appropriate Government may, by notification in the Official Gazette specify, the Curriculum shall be adopted in all educational institutions.

(3) The appropriate Government shall take all measures to ensure that the Curriculum,—

(a) is designed after a preliminary diagnostic review of the local context and due consultations with concerned stakeholders in such manner as may be prescribed;

(b) includes content relating to data protection, data privacy, social media etiquette, digital hygiene, misinformation, disinformation, online financial fraud, sextortion, virtual digital assets and any other relevant subject that the appropriate Government may decide;

(c) is framed on a grade-by-grade basis for all educational institutions; and

(d) is revised at such requisite intervals of time, as may be prescribed by the appropriate Government to keep pace with the changing technological landscape.

- 4. (1) The appropriate Government shall take measures to address the human resource requirements for implementation of the Curriculum by planning, developing, implementing and regularly updating educational and training programs in collaboration with institutions of higher education and training.** Appropriate Government to take measures as to address human resource requirement, training, etc.
- 5 **(2) The appropriate Government shall ensure the appointment of such number of teachers with such qualifications, as may be prescribed for teaching the Curriculum in educational institutions.**
- (3) The appropriate Government shall make efforts to incorporate international best practices in digital literacy in the curriculum.**
- 10 **5.** The appropriate Government shall take all measures to ensure effective co-ordination between services provided by concerned Ministries and Departments of that Government such as those dealing with Information Technology, Education, Finance, Home Affairs, Women and Child Development for carrying out the purposes of this Act. Co-ordination within appropriate Government.
- 15 **6. (1)** The appropriate Government shall design an impact assessment mechanism to evaluate the efficiency of the Curriculum. Impact assessment.
- (2)** The appropriate Government shall conduct an impact assessment as per clause (1) at five year intervals in such manner as may be prescribed:
- Provided that the first impact assessment shall be conducted after five years of the implementation of the Curriculum.
- 20 **7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act. Central Government to provide funds.
- 8. (1)** The appropriate Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act. Power to make rules.
- 25 **(2)** Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or
- 30 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.
- (3)** Every rule made by the State Government under this section shall be laid, as soon
- 35 as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.
- 9.** The provisions of this Act and of any 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.

## STATEMENT OF OBJECTS AND REASONS

As of March 2022, there are a total of 82 crore internet subscribers in India according to the "Indian Telecom Services Performance Indicator Report" released by Telecom Regulatory Authority of India (TRAI). Since the Covid-19 pandemic made remote working and remote learning the norm, the world has witnessed a surge in dependence on the internet. Hence, social media platforms have become mainstream vehicles for civic participation. As a result, invasions of privacy, increasing surveillance, digital financial transactions are just some of the complex issues that face us today.

As per NITI Aayog, "Most of the internet users are in urban educated classes. This situation reflects that majority of the Indians still remain unfazed by the information technology revolution. With such a disparity in digital access and literacy, it is hard to aspire for inclusion and equity. India is expected to have the largest working age population, which requires rapid job creation. Digital literacy becomes a crucial medium of communication with global citizens".

Even though children are seemingly adept at using digital tools, this does not mean that they are digitally literate. Digital literacy encompasses awareness of digital rights, balanced use of technology, digital emotional intelligence, digital safety and security and civic digital self-expression. School going children can be extremely vulnerable to cyber bullying, phishing, online scams, malware and the like. Besides, children need to be sensitised to the perpetual nature of the internet and the perils of posting personally identifiable information online. Children and young adults need to be digitally literate even when they are offline since their schooling, societal conditioning and future job opportunities largely depend on their understanding of and participation in the digital ecosystem.

This Bill assumes greater significance since India does not have a Data Protection law yet. At the same time, it is only a first step towards our goal of a digitally literate India. Various challenges to mainstreaming digital literacy include low-quality technological infrastructure, cost of infrastructure needed for the use of Information and Communications Technology (ICT), lack of online content in local languages and that related to everyday life, lack of understanding of the decision makers, lack of evidence based information and a lack of sufficient regulation in relation to privacy and transparency. We must look at digital literacy as one part of the solution and not the panacea.

Notably, the United Nations Committee on the Rights of the Child, in 2014, advised member governments (including India) to include digital literacy in their national school curriculums. Countries like Scotland, Australia, Netherlands already have a digital literacy framework in place. Even though the National Education Policy, 2020 envisages digital literacy as a part of the curriculum framework for school and adult education, it does not define the same. This Bill seeks to incorporate a rights based approach to digital literacy and citizenship. The thrust to Digital India must be accompanied by an adequate legislative response to the opportunities and threats presented by the internet.

The bill seeks to achieve the above objectives.

DEREK O'BRIEN.

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the appropriate Government to take measures as regard to human resource development and training by appointing teachers for imparting education on Digital Literacy Curriculum. Clause 7 of the bill provides that the Central Government shall provide requisite funds for carrying out the purposes of the bill. The bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would 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 details only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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A

**BILL**

to provide for a Digital Literacy Curriculum in all educational institutions to make the youth digitally literate and for matter connected therewith or incidental thereto.

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*(Shri Derek O' Brien, M.P.)*

AS INTRODUCED IN THE RAJYA SABHA  
ON 9TH DECEMBER, 2022

**Bill No. LXXXVIII of 2022**

THE SARVA DHARMA TEMPLE BILL, 2022

A

BILL

*to provide for the erection and management of a temple of all religions under one roof to perpetuate the ideals of the Constitution of India which establishes India as a secular State and for the purpose of creating awareness, tolerance towards, and honour, respect, preservation, growth and spread of spiritual knowledge of all religions and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Sarva Dharma Temple Act, 2022.

Short title and  
commencement.

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

Definitions.	<p><b>2.</b> In this Act, unless the context otherwise requires:—</p> <p>(a) “Temple” means the Sarva Dharma Temple established under section 3;</p> <p>(b) “Trust” means the Sarva Dharma Temple Trust established under section 4; and</p> <p>(c) “Trustees” means the Trustees of the Sarva Dhama Temple as specified in section 6.</p>	5
Establishment of the Sarva Dharma Temple.	<p><b>3.</b> (a) There shall be established a temple to be known as the Sarva Dharma Temple with such structure as specified in the Schedule.</p> <p>(b) The location of the Temple shall be on the banks of the river Hooghly in the city of Kolkata, State of West Bengal.</p>	10
Establishment of Sarva Dharma Temple Trust.	<p><b>4.</b> There shall be a Trust, namely, the Sarva Dharma Temple Trust to be established under the Indian Trust Act, 1882 for the purpose of erection and management of the Temple.</p>	2 of 1882
Objects of the Trust.	<p><b>5.</b> The objects of the Trust shall be:—</p> <p>(a) to erect and maintain suitable buildings, structures and parks on the banks of the river Hooghly in the city of Kolkata, State of West Bengal;</p> <p>(b) to acquire lands, buildings and other properties for the purposes of the Trust; and</p> <p>(c) to raise and receive funds for the purposes of the temple.</p>	15
Composition of the Trustees of the Temple.	<p><b>6.</b> (1) The Trustees of the Temple shall be the following, namely:—</p> <p>(a) the Prime Minister—Chairperson;</p> <p>(b) the Union Minister in-charge of Culture;</p> <p>(c) the Leader of Opposition recognized as such in the House of the People or where there is no such Leader of Opposition, the Leader of the single largest opposition party in that House;</p> <p>(d) the Governor of the State of West Bengal;</p> <p>(e) the Chief Minister of the State of West Bengal; and</p> <p>(f) three eminent persons to be nominated by the Central Government.</p> <p>(2) The trustees shall be a body corporate with perpetual succession by the name of the “Trustees of the Sarva Dharma Temple” and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts and to do all acts necessary for, and consistent with, the purposes of this Act.</p>	20
Term of office of nominated Trustees.	<p><b>7.</b> The Trustees nominated under clause (f) of sub-section (1) of section 4 shall be Trustees for a period of five years, and shall be eligible for re-nomination.</p>	25
Property vested in Trustees.	<p><b>8.</b> All the funds and property, whether movable or immovable, which may hereafter be given, bequeathed or otherwise transferred for the purposes of the Temple or acquired for the said purposes shall vest in the Trustees.</p> <p><b>9. The Central Government may, after due appropriation made by Parliament by law in this behalf, provide grants to the Trust of such sums of money as the Central Government may think fit, for the purposes of this Act.</b></p>	35
Power of Trustees to appoint committee of management.	<p><b>10.</b> (1) For the purposes of managing the affairs of the Trust, the Trustees may by passing a resolution at a meeting, appoint a committee of management, and entrust to it such powers, duties and functions, under such directions and limitations, as may be defined by such resolution.</p>	40

(2) The Trustees may appoint any person as members of the committee of management, whether such person are Trustees or not, and may, from time to time, vary or rescind any resolution passed by it under this section.

5 **11.** The Trust shall meet at least once in a year to approve the audited accounts of the Trust and shall transact such other business as may be considered necessary. Power to approve audited account.

**12.** No act of the Trustees shall be deemed to be invalid merely by reason any vacancy in, or any defect in the constitution of, the body of Trustees. Validity of acts of Trustees not to be questioned by reason of vacancy, etc.

10 **13.** (1) The accounts of the Trust shall be audited by the 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 by the Trust to the Comptroller and Auditor-General. Accounts and audit.

(2) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Trust under This Act, shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Trust.

20 (3) The account of the Trust as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Trust and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

**14.** (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the objects of this Act. Power to make rules.

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

(a) the manner in which funds belonging to the Temple shall be kept deposited or invested;

(b) the mode of authentication of orders for payment of money by the Trustees;

30 (c) the form in which accounts shall be kept by the Trustees and the audit and publication of such accounts;

(d) the laying out, erection, improvement, maintenance and management of the Temple and the care and custody of the properties thereof;

35 (e) the condition under which the public shall have access to the Temple or particular parts thereof and the regulation of the conduct of persons entering the precincts of the Temple; and

(f) the preservation of, and the prevention of injury to or interference with, any property vested in the Trustees and the prevention of persons from trespassing into any particular part of the Temple.

40 (3) A rule made under this section may provide that a breach of any rule made under clauses (e) and (f) of sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

Power of Trustees to make regulations.

**15.** The Trustees may make regulations consistent with this Act for all or any of the following purpose, namely:—

(a) the manner in which meetings of the Trustees shall be convened, the quorum for the transaction of any business threat and the procedure at such meetings;

(b) the manner in which a majority decision of the Trustees shall be obtained by circulation to the Trustees of the matter requiring decision; 5

(c) the term of office of members of the committee of management, their powers and duties, and the circumstances in which and the conditions subject to which such powers and duties may be exercised; and

(d) the appointment of such officers and servants as may be necessary for the purpose of the Trust, and their terms and conditions of service. 10

Rules and regulations to be laid before Parliament.

**16.** Every rule or regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation. 15 20

## THE SCHEDULE

[See section 3(a)]

### Structure of the Sarva Dharma Temple

1. The Temple shall be octagon-shaped, each of the eight symmetrical lines will have an entry to each of the religions in the following manner:—

- (i) Line one Hindu
- (ii) Line two Christian
- (iii) Line three Islam
- (iv) Line four Sikhism
- (v) Line five Buddhism
- (vi) Line six Judaism
- (vii) Line seven Zoroastrian
- (viii) Line eight Other Spiritual Philosophy.

2. The center of the octagon shaped temple building shall be an octagon shaped room depicting pure awareness, a space within space which is free from all beliefs which is just "is".

3. The Temple shall provide equal space to all religious beliefs, which shall house the spiritual aspects of that religion.

4. The Temple complex shall have a Library consisting of books of all religions.

5. The temple complex also shall have an auditorium to screen religious texts of all religions, in their specified allotted time.

6. Space shall be allotted to each religion to conduct short term courses in spiritual training.

7. The Temple shall hold annual religious functions among all religions to bring communal harmony and spread religious and spiritual awareness and respect towards all religion.

## STATEMENT OF OBJECTS AND REASONS

The noble object and reason for the need of the Sarva Dharma Temple is enshrined in the Preamble of our great Constitution.

2. In the spirit of India being a secular State, it is proposed that there shall be the Sarva Dharma Temple or Temple of all Religions which shall house all religions under one roof.

3. By the erection of this unique Temple, the nation shall bring people from all religions under one platform which will help prevent misinformation about each other's religion and increase mutual respect.

4. The Temple to be erected on the banks of the river Hooghly or the holy Ganges in the city of Kolkata will bring all the more meaning as Bengal has given birth to great spiritual thinkers such as Chaitanya Mahaprabhu, Swami Vivekananda, Paramahansa Yogananda, Swami Pranavanandaji Maharaj founder of Bharat Sevashram Sangha. It is also Mother Teresa's *Karma Bhumi*, not to mention many great Muslims saints lived in this great city.

5. The growing false perception and fake propaganda news being circulated around the world against India being intolerable towards other religions, needs to be defeated. This temple is the need of the hour to clean India's secular image. The need is, therefore, to recognize India's great spiritual culture and heritage and its age old tradition of acceptability of all religious beliefs.

6. The Temple will bring forth the fact that India upholds and cherishes its secular status dearly and will permanently stop false propaganda by foreign forces against India's great secular status which is our pride.

Hence, this Bill.

SHANTA CHHETRI.

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the Sarva Dharma Temple Trust to erect and maintain suitable buildings, structures and parks on the banks of the river Hooghly in the city of Kolkata, State of West Bengal; to acquire lands, buildings and other properties for the purposes of the Trust; and to raise and receive funds for the purposes of the Temple. Clause 9 provides for making grants to the Trust by the Central Government after the appropriation by Parliament by law for the purpose of the Act.

2. The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, it is difficult to estimate the amount required for the purpose as it would depend upon the decisions of the Trust.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 15 empowers the Trustee to make regulations to carry out defined objectives. The rules and regulations will relate to matters of details only, and as such, the delegation of legislative power is of a normal character.

RAJYA SABHA

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A

**BILL**

to provide for the erection and management of a temple of all religions under one roof to perpetuate the ideals of the Constitution of India which establishes India as a secular State and for the purpose of creating awareness, tolerance towards, and honour, respect, preservation, growth and spread of spiritual knowledge of all religions and for matters connected therewith or incidental thereto.

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*(Shrimati Shanta Chhetri, M.P.)*

**Bill No. II of 2020**

THE UNIFORM CIVIL CODE IN INDIA BILL, 2020

A

BILL

*to provide for the constitution of the National Inspection and Investigation Committee for preparation of Uniform Civil Code and its implementation throughout the territory of India and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Uniform Civil Code in India Act, 2020.

(2) It extends to the whole of India.

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

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

(a) “Uniform Civil Code” means the common civil code or common law for every citizen residing in India irrespective of religion and caste;

Short title,  
extent and  
commencement.

Definitions.

(b) “Committee” means the National Inspection and Investigation Committee constituted under section 3; and

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

Constitution  
of the  
National  
Inspection and  
Investigation  
Committee.

**3. (1) The Central Government shall, within a period of six months from the coming into force of this Act, constitute a Committee to be known as the National Inspection and Investigation Committee for the purpose of preparation of Uniform Civil Code and its implementation in the country.** 5

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

**(a) a Chairperson, who shall be a retired Chief Justice of India to be nominated by the Central Government in such manner, as may be prescribed;** 10

(b) the Union Minister of Home Affairs—*ex-officio* member;

(c) the Union Minister of Law and Justice—*ex-officio* member;

**(d) two members who are retired Chief Justices of the High Courts, to be nominated by the Central Government in such manner, as may be prescribed;**

**(e) one member, to be nominated by the Central Government in such manner, as may be prescribed, from amongst persons of eminence having adequate knowledge and experience in law;** 15

**(f) one member, to be appointed by the Central Government in such manner, as may be prescribed, from amongst officers of the Indian Administrative Service—*ex-officio* Secretary;** 20

**(3) The Chairperson and the member of the Committee shall hold office for a period of three years.**

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

**(5) The Central Government shall provide such number of Officers and staff to the Committee, as may be necessary, for its efficient functioning.** 25

(6) The Committee shall have the power to regulate its own procedure.

Functions of  
the  
Committee.

**4. (1) It shall be the duty of the Committee to take such steps, as it may deem appropriate, for the codification and implementation on the Uniform Civil Code in the country.** 30

(2) Without prejudice to the generality of the foregoing provision, the Committee shall ensure:—

(a) the implementation of Uniform Civil Code in entire geographical territory of India;

(b) the applicability of the Uniform Civil Code for marriage, divorce, succession, adoption, guardianship and partition of land and assets on all citizens without any discrimination; 35

(c) right to equality before law as guaranteed under article 14 and prohibition of discrimination of any citizen on grounds of religion, race caste, sex or place of birth provided under article 15 of the Constitution; 40

(d) gender equality in implementation of the Uniform Civil Code; and

(e) substitution of the personal laws or laws based on religious texts and traditions by Uniform Civil Code.

- 5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee for carrying out the purposes of this Act.** Central Government to provide adequate funds to the Committee.
- 6.** 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 provision of this Act, as may appear to be necessary or expedient for removing the difficulty: Power to remove difficulties.
- Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.
- 7.** 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.
- 8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2)** Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, While it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In 1840, on the basis of *Lex Loci* Report, Uniform Law was framed for crimes, evidences and contract but some personal laws of the Hindus and the Muslims were left out. On the other hand, the British Indian Judiciary had facilitated uniform application by the British Judges under the English Laws. Besides, in those days many social reformers were voicing to make laws to do away with the discrimination against women done under the *Sati* and other religious customs.

In the Constituent Assembly, while on the one hand there were people like Dr. B.R. Ambedkar who desired reform in the society and wanted to accept the Uniform Civil Code, there were also Muslim representatives who took side to retaining the Personal Laws based on religious enshrines. As a result, regarding the Uniform Civil Code, only one line could be added as article 44 under Part IV as Directive Principles of State Policy in the Constitution. In this article it is stated that the State shall endeavour to secure for citizens a Uniform Civil Code throughout the territory of India. Since the Uniform Civil Code has been included in the Directive Principles of State Policy of the State, hence this cannot be enforced.

Besides, no Government showed proper will power to implement these constitutional provisions, because the minorities, especially the Muslims believed that the Uniform Civil Code will lead to the violation of their personal laws. Hence, only to compile the Hindu Laws, the Acts like the Hindu Marriage Act, 1955, the Hindu Succession Act 1956, the Hindu Minority and guardianship Act, 1956 and the Hindu Adoptions and Maintenance Act, 1956 were enacted. In these Acts along with the Buddhist, Sikh, Jain, laws related to different religious communities of the Hindus are included *vide* which women have been given right to divorce and succession and caste has been termed irrelevant for marriage. Also, polygamy has been done away with.

In the present context, it seems our country is divided into three classes on Uniform Civil Code, namely political, social and religious. In the *Shah Bano Case*, the Supreme Court decided that section 125 of the Code of Criminal Procedure 1973 is applicable to all irrespective of religion, caste or community. The court directed that *Shah Bano* must be provided with living expenses. The then Chief Justice Y.V. Chandrachud said that Uniform Civil Code would end the dissimilarities in the Indian law which would help in establishing national unity. Hence, the Supreme Court had observed that the Parliament may make law related to the Uniform Civil Code.

*Sarla Mudgal Case vs. the Union of India* is the second example *vide* which the Supreme Court under article 44 had again directed the Government. The Supreme Court said that adopting Islam for marriage is a misuse of the personal laws. It said that a Hindu marriage can be dissolved only under the Hindu Marriage Act, 1955 which means after adopting Islam the marriage done thereafter cannot be dissolved under the Hindu Marriage Act and it is a crime under section 494(5) of the Indian Penal Code.

In *John Vellamettam vs. Union of India*, the Supreme Court declared the section 118 of the Indian Succession Act, 1925 as unconstitutional. The then Chief Justice of India Justice Khare observed that "it is mentioned in article 44 that the State will strive to provide Uniform Civil Code to all citizens in its entire territory, but it is a matter of regret that article 44 has not been given effect to. He also opined that a Uniform Civil Code would help the cause of national integration by removing the contradictions on the grounds of ideologies.

The decision to implement the Juvenile Justice (Care and Protection of Children) Act seems to be a step towards Uniform Civil Code since this Act permits the people of muslim community to adopt children whereas Muslims are not permitted or allowed to adopt children under their personal laws. Recently, the Supreme Court has again asked the Government to

implement the Uniform Civil Code so as to end gender inequality and wrong traditions prevalent under the personal laws.

Under the Uniform Civil Code a collection of laws will be prepared which will protect the personal rights of all citizens without considering the religion, which seems to be the need of the hour. In reality this is the foundation stone of secularism. Such progressive reforms will not only help to end discrimination against women but also help in strengthening the secular structure and encourage integrity. In fact our social system is replete with injustice, discrimination and corruption which is in conflict with our fundamental rights, hence it needs to be reformed. Already there is Penal Code in our country which is equally applicable to all without considering the religion, caste and domicile. But there is no uniform law in our country with regard to divorce and succession and these subjects are controlled by the personal laws. Hence the Uniform Civil Code should be ensured to all citizens residing in areas where the population of entire geographical area resides.

Hence, this Bill.

KIRODI LAL MEENA.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Inspection and Investigation Committee. It also provides for the salary and allowances of the Chairperson, members, officers and staff of the Committee. Clause 5 provides that the Central Government shall provide adequate funds to the Committee. 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 would be involved from the Consolidated Fund of India per annum.

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

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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**BILL**

to provide for the constitution of the National Inspection and Investigation Committee for preparation of Uniform Civil Code and its implementation throughout the territory of India and for matters connected therewith or incidental thereto.

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*(Dr. Kirodi Lal Meena, M.P.)*

**Bill No. 245 of 2022**

THE APPROPRIATION (No. 4) BILL, 2022

A

BILL

*to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 2020, in excess of the amounts granted for those services and for that year.*

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

1. This Act may be called the Appropriation (No. 4) Act, 2022. Short title.
- 5 2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule, amounting in the aggregate to the sum of thirty-two thousand six hundred and thirty-seven crore seventy-eight lakh twenty-six thousand six hundred and fifty-three rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2020, in excess of the amounts  
10 granted for those services and for that year. Issue of  
Rs.32637,78,26,653  
out of the  
Consolidated  
Fund of India  
to meet certain  
excess  
expenditure for  
the year ended  
on the  
31st March,  
2020.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2020. Appropriation.

**THE SCHEDULE**  
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Voted portion	Excess Charged portion	Total
		Rs.	Rs.	Rs.
20	Capital Outlay on Defence Services ..... Capital	701,30,92,169	..	701,30,92,169
21	Defence Pensions ..... Revenue	..	<i>1,99,73,484</i>	1,99,73,484
31	Department of Revenue ..... Revenue	31934,47,61,000	..	31934,47,61,000
	TOTAL :	32635,78,53,169	<i>1,99,73,484</i>	32637,78,26,653

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure incurred in excess of the grants made by the Lok Sabha for expenditure of the Central Government, for the financial year ended 31st day of March, 2020.

NIRMALA SITHARAMAN.

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

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**[Letter No. 7(1)-B(SD)/2022, dated 8.12.2022 from Smt. Nirmala Sitharaman,  
Minister of Finance to the Secretary-General, Lok Sabha]**

The President, having been informed of the subject matter of the proposed Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March 2020, in excess of the amounts granted for the said services and for that year recommended under clauses (1) and (3) of article 117 of the Constitution, read with clause (2) of article 115 thereof, the introduction of the Appropriation (No. 4) Bill, 2022, in Lok Sabha and also recommends to Lok Sabha the consideration of the Bill.

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LOK SABHA

---

A

**BILL**

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 2020, in excess of the amounts granted for those services and for that year.

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*(Smt. Nirmala Sitharaman, Minister of Finance)*

**Bill No. 246 of 2022**

THE APPROPRIATION (No. 5) BILL, 2022

A

BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2022-23.*

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

1. This Act may be called the Appropriation (No. 5) Act, 2022.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of four lakh thirty-five thousand nine hundred thirty-eight crore and eighty-seven lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2022-23 in respect of the services specified in column 2 of the Schedule.

Issue of Rs. 435938,87,00,000 out of the Consolidated Fund of India for the financial year 2022-23.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

**THE SCHEDULE**

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture and Farmers' Welfare ..... Revenue	3,00,000	..	3,00,000
	Capital	1,00,000	..	1,00,000
3	Atomic Energy ..... Revenue	3146,24,00,000	..	3146,24,00,000
	Capital	2,00,000	..	2,00,000
4	Ministry of AYUSH ..... Revenue	1,00,000	..	1,00,000
6	Department of Fertilizers ..... Revenue	109288,95,00,000	..	109288,95,00,000
7	Department of Pharmaceuticals ..... Revenue	24,39,00,000	1,80,00,000	26,19,00,000
8	Ministry of Civil Aviation ..... Revenue	1,00,000	..	1,00,000
9	Ministry of Coal ..... Revenue	154,64,00,000	..	154,64,00,000
10	Department of Commerce ..... Revenue	383,00,00,000	..	383,00,00,000
	Capital	1,00,000	..	1,00,000
11	Department for Promotion of Industry and Internal Trade ..... Revenue	4,00,000	1,00,000	5,00,000
	Capital	62,45,00,000	..	62,45,00,000
12	Department of Posts ..... Revenue	..	1,60,00,000	1,60,00,000
	Capital	87,00,00,000	..	87,00,00,000
13	Department of Telecommunications ..... Revenue	13668,84,00,000	..	13668,84,00,000
	Capital	1,00,000	..	1,00,000
15	Department of Food and Public Distribution ..... Revenue	80348,28,00,000	..	80348,28,00,000
	Capital	3,00,000	..	3,00,000
16	Ministry of Cooperation ..... Capital	154,00,00,000	..	154,00,00,000
17	Ministry of Corporate Affairs ..... Revenue	1,00,000	..	1,00,000
18	Ministry of Culture ..... Revenue	354,02,00,000	..	354,02,00,000
	Capital	1,00,000	..	1,00,000
19	Ministry of Defence (Civil) ..... Revenue	2750,00,00,000	50,00,000	2750,50,00,000
	Capital	500,01,00,000	..	500,01,00,000
20	Defence Services (Revenue) ..... Revenue	19999,30,00,000	70,00,000	20000,00,00,000
21	Capital Outlay on Defence Services ..... Capital	1,00,000	..	1,00,000
23	Ministry of Development of North Eastern Region ..... Revenue	2,00,000	..	2,00,000
	Capital	80,00,00,000	..	80,00,00,000
24	Ministry of Earth Sciences ..... Revenue	2,00,000	..	2,00,000
25	Department of School Education and Literacy ..... Revenue	2,00,000	..	2,00,000
26	Department of Higher Education ..... Revenue	3,00,000	..	3,00,000
27	Ministry of Electronics and Information Technology ..... Revenue	320,01,00,000	..	320,01,00,000
28	Ministry of Environment, Forests and Climate Change ..... Revenue	3,00,000	..	3,00,000
	Capital	2,00,000	..	2,00,000
29	Ministry of External Affairs ..... Revenue	3,00,000	..	3,00,000
	Capital	1,00,000	..	1,00,000
30	Department of Economic Affairs ..... Revenue	575,43,00,000	..	575,43,00,000
	Capital	1,00,000	..	1,00,000
32	Department of Financial Services ..... Revenue	261,48,00,000	65,00,000	262,13,00,000
	Capital	1,00,000	..	1,00,000
33	Department of Public Enterprises ..... Revenue	3,00,00,000	..	3,00,00,000
	Capital	150,00,00,000	..	150,00,00,000
35	Department of Revenue ..... Revenue	19698,49,00,000	..	19698,49,00,000
	Capital	30,00,00,000	..	30,00,00,000
36	Direct Taxes ..... Capital	229,72,00,000	..	229,72,00,000
37	Indirect Taxes ..... Revenue	1,00,000	..	1,00,000
43	Department of Fisheries ..... Revenue	2,00,000	..	2,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
44	Department of Animal Husbandry and Dairying ..... Revenue	1,00,000	..	1,00,000
45	Ministry of Food Processing Industries ..... Revenue	2,00,000	..	2,00,000
46	Department of Health and Family Welfare ..... Revenue	6,00,000	..	6,00,000
	..... Capital	2,00,000	..	2,00,000
47	Department of Health Research ..... Revenue	2,00,000	..	2,00,000
48	Ministry of Heavy Industries ..... Revenue	2,00,000	..	2,00,000
	..... Capital	1,00,000	..	1,00,000
49	Ministry of Home Affairs ..... Revenue	4,00,000	..	4,00,000
	..... Capital	2,00,000	..	2,00,000
50	Cabinet ..... Revenue	1,00,000	..	1,00,000
51	Police ..... Revenue	2982,36,00,000	..	2982,36,00,000
	..... Capital	1,00,000	..	1,00,000
52	Andaman and Nicobar Islands ..... Revenue	3,00,000	..	3,00,000
53	Chandigarh ..... Revenue	461,72,00,000	1,49,00,000	463,21,00,000
	..... Capital	7,00,000	..	7,00,000
54	Dadra and Nagar Haveli and Daman and Diu ..... Revenue	46,96,00,000	..	46,96,00,000
	..... Capital	54,06,00,000	..	54,06,00,000
55	Ladakh ..... Revenue	4,00,000	..	4,00,000
	..... Capital	14,00,000	..	14,00,000
56	Lakshadweep ..... Capital	1,00,000	..	1,00,000
58	Transfers to Jammu and Kashmir ..... Revenue	8956,69,00,000	..	8956,69,00,000
59	Transfers to Puducherry ..... Revenue	1400,00,00,000	..	1400,00,00,000
60	Ministry of Housing and Urban Affairs ..... Revenue	2283,95,00,000	8,66,00,000	2292,61,00,000
	..... Capital	3,00,000	1,91,00,000	1,94,00,000
61	Ministry of Information and Broadcasting ..... Revenue	201,23,00,000	..	201,23,00,000
62	Department of Water Resources, River Development and Ganga Rejuvenation .... Revenue	4,00,000	..	4,00,000
63	Department of Drinking Water and Sanitation ..... Revenue	2,00,000	..	2,00,000
65	Law and Justice ..... Revenue	29,65,00,000	..	29,65,00,000
66	Election Commission ..... Revenue	67,24,00,000	..	67,24,00,000
	CHARGED.— <i>Supreme Court of India</i> ..... Revenue	..	4,01,00,000	4,01,00,000
68	Ministry of Micro, Small and Medium Enterprises ..... Revenue	2,00,000	..	2,00,000
71	Ministry of New and Renewable Energy ..... Revenue	132,33,00,000	..	132,33,00,000
	..... Capital	2,00,00,000	..	2,00,00,000
72	Ministry of Panchayati Raj ..... Revenue	37,21,00,000	..	37,21,00,000
74	Ministry of Personnel, Public Grievances and Pensions ..... Revenue	3,00,000	..	3,00,000
	..... Capital	1,00,000	165,46,00,000	165,47,00,000
	CHARGED.— <i>Central Vigilance Commission</i> ..... Revenue	..	1,50,00,000	1,50,00,000
76	Ministry of Petroleum and Natural Gas ..... Revenue	25503,68,00,000	..	25503,68,00,000
77	Ministry of Planning ..... Revenue	612,44,00,000	..	612,44,00,000
	..... Capital	10,00,00,000	..	10,00,00,000
78	Ministry of Ports, Shipping and Waterways ..... Revenue	13,09,00,000	..	13,09,00,000
	..... Capital	70,80,00,000	..	70,80,00,000
79	Ministry of Power ..... Revenue	2,00,000	..	2,00,000
	..... Capital	10,00,00,000	..	10,00,00,000
	CHARGED.— <i>Staff, Household and Allowances of the President</i> ..... Revenue	..	5,35,00,000	5,35,00,000
81	Lok Sabha ..... Revenue	..	2,00,000	2,00,000
82	Rajya Sabha ..... Revenue	..	75,00,000	75,00,000
	CHARGED.— <i>Union Public Service Commission</i> ..... Revenue	..	20,67,00,000	20,67,00,000

1		3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
85	Ministry of Railways ..... Capital	12000,00,00,000	..	12000,00,00,000
86	Ministry of Road Transport and Highways ..... Revenue	10,00,00,000	..	10,00,00,000
	..... Capital	37117,64,00,000	..	37117,64,00,000
87	Department of Rural Development ..... Revenue	89999,50,00,000	..	89999,50,00,000
88	Department of Land Resources ..... Revenue	2,00,000	10,25,00,000	10,27,00,000
89	Department of Science and Technology ..... Revenue	1,00,000	..	1,00,000
91	Department of Scientific and Industrial Research ..... Revenue	313,65,00,000	..	313,65,00,000
	..... Capital	1,00,000	..	1,00,000
93	Department of Social Justice and Empowerment ..... Revenue	1100,00,00,000	..	1100,00,00,000
95	Department of Space ..... Revenue	1,00,000	60,00,000	61,00,000
	..... Capital	1,00,000	..	1,00,000
96	Ministry of Statistics and Programme Implementation ..... Revenue	1,00,000	..	1,00,000
97	Ministry of Steel ..... Revenue	10,72,00,000	..	10,72,00,000
98	Ministry of Textiles ..... Revenue	3,00,000	..	3,00,000
	..... Capital	6,50,00,000	..	6,50,00,000
100	Ministry of Tribal Affairs ..... Revenue	9,00,00,000	..	9,00,00,000
101	Ministry of Women and Child Development ..... Revenue	2,00,000	..	2,00,000
102	Ministry of Youth Affairs and Sports ..... Revenue	2,00,000	..	2,00,000
	TOTAL :	435712,94,00,000	225,93,00,000	435938,87,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government for the financial year 2022-23.

NIRMALA SITHARAMAN.

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

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[Letter No. 4(17)-B(SD)/2022, dated 8.12.2022 from Smt. Nirmala Sitharaman, Minister of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2022-23, recommends under article 117(1) and (3) of the Constitution, the introduction of the Appropriation (No. 5) Bill, 2022 in Lok Sabha and also the consideration of the Bill.

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LOK SABHA

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A

**BILL**

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2022-23.

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*(Smt. Nirmala Sitharaman, Minister of Finance)*

AS PASSED BY LOK SABHA  
ON 15.12.2022

**Bill No. 217-C of 2022**

THE CONSTITUTION (SCHEDULED TRIBES) ORDER  
(SECOND AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of  
Scheduled Tribes in the State of Tamil Nadu.*

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

**1.** This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022. Short title.

C.O. 22. 5 **2.** In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in Part XIV.— Amendment of  
Constitution  
(Scheduled  
Tribes) Order,  
1950.  
*Tamil Nadu*, after entry 36, the following entry shall be inserted, namely:—  
"37. Narikoravan, Kurivikkaran."

LOK SABHA

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A

**BILL**

further to amend the Constitution (Scheduled Tribes) Order, 1950 to  
modify the list of Scheduled Tribes in the State of Tamil Nadu.

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*(As passed by Lok Sabha)*

AS PASSED BY LOK SABHA  
ON 16.12.2022

**Bill No. 218-C of 2022**

THE CONSTITUTION (SCHEDULED TRIBES) ORDER  
(THIRD AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution (Scheduled Tribes) Order, 1950 to provide for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Himachal Pradesh.*

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

**1.** This Act may be called the Constitution (Scheduled Tribes) Order (Third Amendment) Act, 2022. Short title.

C.O. 22. 5 **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part V.— Amendment of Constitution (Scheduled Tribes) Order, 1950.  
*Himachal Pradesh*, after entry 10, the following entry shall be inserted, namely:—  
“11. Hattee of Trans Giri area of Sirmour district.”

LOK SABHA

---

A

**BILL**

further to amend the Constitution (Scheduled Tribes) Order, 1950 to provide for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Himachal Pradesh.

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*(As Passed by Lok Sabha)*

AS PASSED BY LOK SABHA  
ON 19.12.2022

**Bill No. 219-C of 2022**

THE CONSTITUTION (SCHEDULED TRIBES) ORDER  
(FOURTH AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of  
Scheduled Tribes in relation to the State of Karnataka.*

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

**1.** This Act may be called the Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022. Short title.

C.O. 22. 5 **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART VI.— Amendment  
of  
Constitution  
(Scheduled  
Tribes) Order,  
1950.  
*Karnataka*, for entry 16, the following entry shall be substituted, namely:—  
“16. Kadu Kuruba, Betta-Kuruba”.

LOK SABHA

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A

BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in relation to the State of Karnataka.

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*(As passed by Lok Sabha)*

**Bill No. 290 of 2022**

**THE REPEALING AND AMENDING BILL, 2022**

A

**BILL**

*to repeal certain enactments and to amend an enactment.*

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

1. This Act may be called the Repealing and Amending Act, 2022. Short title.
  2. The enactments specified in the First Schedule and the Second Schedule are Repeal of  
certain  
enactments.  
5 hereby repealed.
  3. The enactment specified in the Third Schedule is hereby amended to the extent Amendment  
of enactment.  
and in the manner specified in the fourth column thereof.
  4. The repeal by this Act of any enactment shall not affect any other enactment in Savings.  
which the repealed enactment has been applied, incorporated or referred to;
- 10 and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

5

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

(See section 2)

REPEALS

Year	Act No.	Short Title
1	2	3
1885	18	The Land Acquisition (Mines) Act, 1885.
1934	15	The Sugar-cane Act, 1934.
1950	74	The Telegraph Wires (Unlawful Possession) Act, 1950.
1965	44	The Metal Corporation of India (Acquisition of Undertaking) Act, 1965.
1974	28	The Coal Mines (Conservation and Development) Act, 1974.
1976	100	The Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976.
1982	71	The Andhra Scientific Company Limited (Acquisition and Transfer of Undertakings) Act, 1982.
1983	17	The Delhi Motor Vehicles Taxation (Amendment) Act, 1983.
1994	13	The Air Corporations (Transfer of Undertakings and Repeal) Act, 1994.
2018	1	The Companies (Amendment) Act, 2017.
2018	8	The Insolvency and Bankruptcy Code (Amendment) Act, 2018.
2018	21	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2018.
2018	23	The Homoeopathy Central Council (Amendment) Act, 2018.
2018	26	The Insolvency and Bankruptcy Code (Second Amendment) Act, 2018.
2018	27	The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018.
2019	6	The Personal Laws (Amendment) Act, 2019.
2019	8	The Special Economic Zones (Amendment) Act, 2019.
2019	11	The Homoeopathy Central Council (Amendment) Act, 2019.
2019	14	The Aadhaar and Other Laws (Amendment) Act, 2019.
2019	24	The Right to Information (Amendment) Act, 2019.
2019	26	The Insolvency and Bankruptcy Code (Amendment) Act, 2019.
2019	36	The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2019.
2019	37	The Supreme Court (Number of Judges) Amendment Act, 2019.
2020	19	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2020.

THE SECOND SCHEDULE

(See section 2)

REPEALS

Year	Act No.	Short Title
1	2	3
2013	5	The Appropriation (Railways) Vote on Account Act, 2013.
2013	6	The Appropriation (Railways) Act, 2013.
2013	7	The Appropriation (Railways) No. 2 Act, 2013.
2013	8	The Appropriation (Vote on Account) Act, 2013.
2013	9	The Appropriation Act, 2013.
2013	10	The Appropriation (No. 2) Act, 2013.
2013	15	The Appropriation (Railways) No. 3 Act, 2013.
2013	16	The Appropriation (No. 3) Act, 2013.
2013	21	The Appropriation (No. 4) Act, 2013.
2014	2	The Appropriation (No. 5) Act, 2013.
2014	3	The Appropriation (Railways) No. 4 Act, 2013.
2014	4	The Appropriation (Railways) Vote on Account Act, 2014.
2014	5	The Appropriation (Railways) Act, 2014.
2014	12	The Appropriation (Vote on Account) Act, 2014.
2014	13	The Appropriation Act, 2014.
2014	21	The Appropriation (Railways) No. 2 Act, 2014.
2014	22	The Appropriation (Railways) No. 3 Act, 2014.
2014	23	The Appropriation (No. 2) Act, 2014.
2014	24	The Appropriation (No. 3) Act, 2014.
2014	38	The Appropriation (No. 4) Act, 2014.
2015	6	The Appropriation (Railways) Vote on Account Act, 2015.
2015	7	The Appropriation (Railways) Act, 2015.
2015	8	The Appropriation (Vote on Account) Act, 2015.
2015	9	The Appropriation Act, 2015.
2015	13	The Appropriation (Railways) No. 2 Act, 2015.
2015	15	The Appropriation (No. 2) Act, 2015.
2015	24	The Appropriation (Railways) No. 3 Act, 2015.
2015	25	The Appropriation (No. 3) Act, 2015.
2016	7	The Appropriation (No. 4) Act, 2015.
2016	8	The Appropriation (No. 5) Act, 2015.
2016	14	The Appropriation (Railways) Vote on Account Act, 2016.
2016	15	The Appropriation (Railways) Act, 2016.
2016	19	The Appropriation (Vote on Account) Act, 2016.

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1	2	3
2016	20	The Appropriation Act, 2016.
2016	26	The Appropriation (Railways) No. 2 Act, 2016.
2016	29	The Appropriation (No. 2) Act, 2016.
2016	46	The Appropriation (No. 3) Act, 2016.
2016	50	The Appropriation (No. 4) Act, 2016.
2016	51	The Appropriation (No. 5) Act, 2016.
2017	8	The Appropriation (Railways) Act, 2017.
2017	9	The Appropriation (Railways) No. 2 Act, 2017.

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THE THIRD SCHEDULE

(See section 3)

AMENDMENT

Year	Act No.	Short Title	Amendment
1	2	3	4
2012	12	The Factoring Regulation Act, 2011	In section 31A, in sub-section (3), for the words "that Central Government", the words "that Government" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

This Bill is one of those periodical measures by which enactments, which have ceased to be in force or have become obsolete or the retention whereof as separate Acts is unnecessary are repealed or by which the formal defects detected in enactments are corrected.

2. The note on Third Schedule which follows explain the reasons for the amendment suggested in the Bill in respect whereof some detailed explanation is necessary.

3. Clause 4 of the Bill contains a precautionary provision which it is usual to include in the Bill of this kind.

NEW DELHI;

*The 14<sup>th</sup> December, 2022.*

KIREN RIJJU.

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

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**[F.No. 1(66)/2019-L.I dated 15 December, 2022 from Shri Kiren Rijju, Minister of  
Law and Justice to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the proposed Bill, recommends under clause (1) of article 117 of the Constitution of India, the introduction of the Repealing and Amending Bill, 2022 in Lok Sabha.

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NOTE ON THE THIRD SCHEDULE

The Factoring Regulation Act, 2011 (12 of 2012).—The amendment proposed to the Act seeks to rectify patent error.

*ANNEXURE*

EXTRACT FROM THE FACTORING REGULATION ACT, 2011

(12 OF 2012)

\* \* \* \* \*

**31A. (1)** \* \* \* \* \* Power to make regulations.

(3) Every regulation shall, as soon as may be after it is made by the Reserve Bank, be forwarded to the Central Government and that Central Government shall cause a copy of the same to be laid 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 regulation, or both Houses agree that the regulation should not be made, the regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

\* \* \* \* \*

LOK SABHA

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A

**BILL**

to repeal certain enactments and to amend an enactment.

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*(Shri Kiren Rijju, Minister of Law and Justice)*

**Bill No. 220-C of 2022**

THE CONSTITUTION (SCHEDULED TRIBES) ORDER  
(FIFTH AMENDMENT) BILL, 2022

A

BILL

*further to amend the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Chhattisgarh.*

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

**1.** This Act may be called the Constitution (Scheduled Tribes) Order (Fifth Amendment) Act, 2022. Short title.

C.O. 22. 5 **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART XX.—*Chhattisgarh*,— Amendment of Part XX of Constitution (Scheduled Tribes) Order, 1950.

(i) for entry 5, the following entry shall be substituted, namely:—

“5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Bhuinya, Bhuiyan, Bhuyan, Paliha, Pando”;

(ii) in entry 14, after "Dhanwar", insert ", Dhanuhar, Dhanuwar";

(iii) for entry 15, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, the following shall be substituted, namely:— 28 of 2000.

"15. Gadaba, Gadba"; 5

(iv) for entry 16, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, the following shall be substituted, namely:— 28 of 2000.

"16. Gond, Arakh, Arrakh, Agaria, Asur, Abujh Maria, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi"; 10  
15

(v) in entry 23, for "Kondh", substitute "Kond, Kondh";

(vi) for entry 27, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, for "Kodaku", substitute "Kodaku"; 28 of 2000.

(vii) in entry 32, after "Nagasia", insert ", Kisan"; 20

(viii) for entry 33, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, the following shall be substituted, namely:— 28 of 2000.

"33. Oraon, Dhanka, Dhangad";

(ix) in entry 41, after "Sawara", insert ", Saunra, Saonra"; 25

(x) after entry 42, the following entry shall be inserted, namely:—

"43. Binjhia".

LOK SABHA

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A

**BILL**

further to amend the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Chhattisgarh.

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*(As passed by Lok Sabha)*

**Bill No. 299 of 2022**

THE *JAN VISHWAS* (AMENDMENT OF PROVISIONS) BILL, 2022

A

BILL

*to amend certain enactments for decriminalising and rationalising minor offences to further enhance trust-based governance for ease of living and doing business.*

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

1. (1) This Act may be called the *Jan Vishwas* (Amendment of Provisions) Act, 2022. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule to this Act.
2. The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof. Amendment of certain enactments.
3. The fines and penalties provided under various provisions in the enactments mentioned in the Schedule shall be increased by ten per cent. of the minimum amount of fine or penalty, as the case may be, prescribed therefor, after the expiry of every three years from the date of commencement of this Act. Revision of fines and penalties.

Savings.

4. The amendment by this Act of any enactment shall not affect any other enactment in which the amended enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended;

nor shall the amendment by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

#### THE SCHEDULE

(See section 2)

Sl. No.	Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)	(5)
1.	1867	25	The Press and Registration of Books Act, 1867	<p>(A) In section 8C,—</p> <p>(i) in sub-section (1), after the words, figure and letter "declaration under section 8B", the words, figures and letter "or an order by the Press Registrar suspending or cancelling the certificate of registration under section 12 or imposing penalties under section 13 or under section 19K" shall be inserted;</p> <p>(ii) in sub-section (2), after the words "records from the Magistrate", the words "or from the Press Registrar, as the case may be," shall be inserted.</p> <p>(B) For sections 12 to 14, the following sections shall be substituted, namely:—</p> <p>"12. Suspension or cancellation of certificate of registration.—(1) The Press Registrar may, by order, suspend the certificate of registration of a newspaper for a period not exceeding one year, if—</p> <p>(a) the publisher has failed to publish the newspaper continuously.</p> <p><i>Explanation.</i>—For the removal of doubts, it is hereby clarified that if a newspaper publishes less than half of its issues, as are required to be published under rule (6) of section 5,</p>

(1)	(2)	(3)	(4)	(5)
				<p>such newspaper shall be deemed to have failed to publish continuously; or</p> <p>(b) the publisher of a newspaper has given false particulars in the annual statement; or</p> <p>(c) the publisher of a newspaper has failed to furnish the annual statement within two years from the end of the financial year for which the annual statement was to be furnished.</p> <p>(2) The Press Registrar may, by order, cancel the certificate of registration where—</p> <p>(i) a newspaper has ceased publication for a period exceeding twenty-four months;</p> <p>(ii) the publisher of a newspaper fails to furnish the annual statement even after the expiry of the period during which the certificate of registration was suspended under sub-clause (c) of sub-section (1);</p> <p>(iii) the registration was obtained on false representation or on concealment of any material fact;</p> <p>(iv) the title of the newspaper bears the same or similar title already held by any other owner of a newspaper either in the same language anywhere in India or in any other language in the same State or Union territory administration.</p> <p>(3) No order for suspension or cancellation of certificate of registration shall be made under this section, without giving an opportunity of being heard to the publisher or owner of the newspaper, as the case may be.</p> <p>(4) A copy of order of suspension or cancellation passed under this section shall be made available to the Central Government or the State Government or the Union territory administration, as the case may be, and to the Magistrate.</p> <p>13. Penalty for certain contraventions.—The Press Registrar may impose a penalty—</p>

(1)	(2)	(3)	(4)	(5)
				(i) not exceeding ten thousand rupees where the publisher prints or publishes any book or paper otherwise than in conformity with the provisions contained in section 3;
				(ii) not exceeding ten thousand rupees where the keeper of the press fails to make and subscribe the declaration in conformity with the provisions contained in section 4;
				(iii) not exceeding twenty thousand rupees where the publisher fails to furnish the annual statement as required under clause (a) of section 19D within one year from the end of the financial year in respect of which the annual statement was required to be furnished;
				(iv) not exceeding twenty thousand rupees where a person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with the provisions of section 8;
				(v) not exceeding two thousand rupees for not delivering books or not supplying printer with maps referred to in section 9;
				(vi) not exceeding two thousand rupees where any printer of a newspaper neglects to deliver copies of the newspaper in compliance with the provisions of sections 11A and 11B."
				(C) Sections 15A to 17 shall be omitted.
				(D) For section 19K, the following section shall be substituted, namely:—
				"19K. Penalty for contravention of section 19D or section 19E.—If the publisher of any newspaper—
				(a) refuses or neglects to comply with the provisions of clause (b) of section 19D or section 19E;

(1)	(2)	(3)	(4)	(5)
				<p>(b) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,</p> <p>he shall be punishable with penalty not exceeding ten thousand rupees."</p> <p>(E) Section 19L shall be omitted.</p>
2.	1898	6	The Indian Post Office Act, 1898	Chapter X shall be omitted.
3.	1923	5	The Boilers Act, 1923	<p>(A) In section 22,—</p> <p>(a) in clause (iii), for the word and figures "section 16," the words and figures "section 16, or" shall be substituted;</p> <p>(b) after clause (iii), the following clause shall be inserted, namely:—</p> <p>"(iv) to report an accident to a boiler or boiler component when so required under section 18,".</p> <p>(B) For section 23, the following section shall be substituted, namely:—</p> <p>"23. Penalties for illegal use of boiler.—Any owner of a boiler who—</p> <p>(a) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby;</p> <p>(b) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (b) of section 6;</p> <p>(c) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (6) of section 7,</p> <p>shall be liable for fine which may extend to one lakh rupees, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues."</p>

(1)	(2)	(3)	(4)	(5)
				(C) In section 24, clauses (a), (b) and (d) shall be omitted.
4.	1927	16	The Indian Forest Act, 1927	<p>(A) In section 26,—</p> <p>(i) in sub-section (I), clauses (d) and (e) shall be omitted;</p> <p>(ii) after sub-section (I), the following sub-section shall be inserted, namely:—</p> <p>"(IA) Any person who, in a reserved forest—</p> <p>(a) trespasses or pastures cattle or permits cattle to trespass;</p> <p>(b) causes any damage by negligence in felling any tree or cutting or dragging any timber,</p> <p>shall be liable to pay fine which may extend to five hundred rupees in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid."</p> <p>(B) In section 33,—</p> <p>(i) in sub-section (I), clauses (e), (f) and (g) shall be omitted;</p> <p>(ii) after sub-section (I), the following sub-section shall be inserted, namely:—</p> <p>"(IA) Any person who commits any of the following offences, namely:—</p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(c) permits cattle to damage any such tree,</p> <p>shall be liable to pay fine which may extend to five hundred rupees."</p>
5.	1937	1	The Agricultural Produce (Grading and Marking) Act, 1937	<p>(A) In section 3, in sub-section (2), after clause (g), the following clauses shall be inserted, namely:—</p> <p>"(ga) holding inquiry to impose penalty under sub-section (I) of section 5C;</p> <p>(gb) preferring appeal under sub-section (I) of section 5D;"</p>

(1)	(2)	(3)	(4)	(5)
				<p>(B) In section 4, for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of five lakh rupees" shall be substituted.</p>
				<p>(C) In section 5, for the words "imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees", the words "penalty of eight lakh rupees" shall be substituted.</p>
				<p>(D) In section 5A, for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of three lakh rupees" shall be substituted.</p>
				<p>(E) In section 5B, in sub-section (4), for the words "imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees", the words "penalty of five lakh rupees" shall be substituted.</p>
				<p>(F) For section 5C, the following sections shall be substituted, namely:—</p>
				<p>"5C. Adjudicating officer.— (1) The Central Government may, for the purposes of determining the penalties under sections 4, 5, 5A and 5B, appoint an officer not below the rank of Deputy Secretary to the Government of India or an officer not below the rank of Deputy Secretary to the State Government, to be adjudicating officer to hold an inquiry in the manner, as may be prescribed and to impose penalty:</p>
				<p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p>
				<p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has</p>

(1)	(2)	(3)	(4)	(5)
				<p>failed to comply with the provisions of sections 4, 5, 5A and 5B, he may impose penalty:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>5D. Appeal.—(1) Any person aggrieved by the order, passed by the adjudicating officer under section 5C may prefer an appeal to the Agricultural Marketing Adviser, Government of India within thirty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person in such manner as may be prescribed.</p> <p>(2) The Agricultural Marketing Adviser may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit, confirming, modifying or setting aside the order appealed against.</p> <p>(3) The Agricultural Marketing Adviser referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.</p> <p>5E. Recovery.—Notwithstanding anything contained in this Act, if penalty imposed by adjudicating officer under section 5C or ordered by the Agricultural Marketing Adviser under section 5D, as the case may be, is not deposited, the amount shall be recovered as an arrears of land revenue."</p>
6.	1940	23	The Drugs and Cosmetics Act, 1940	<p>(A) In section 30, in sub-section (2), for the words "imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees, or with both", the words "fine which shall not be less than five lakh rupees" shall be substituted.</p> <p>(B) In section 32B, in sub-section (1), after the words and figures "of section 13," the words, brackets, letters and figures "clause (d) of section 27 and clause (ii) of section 27A," shall be inserted.</p>

(1)	(2)	(3)	(4)	(5)
7.	1944	18	The Public Debt Act, 1944	Section 27 shall be omitted.
8.	1947	24	The Rubber Act, 1947	<p>(A) In section 11, in sub-section (3), for the words "imprisonment for a term which may extend to one year, or with fine, or with both.", the words "penalty which may extend to one lakh rupees or cancellation of licence issued under section 14, or with both." shall be substituted.</p> <p>(B) In section 13, sub-section (3) shall be omitted.</p> <p>(C) In section 26, in sub-section (1), in the long line, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both", the words "liable to pay penalty which may extend to fifty thousand rupees" shall be substituted.</p>
9.	1948	8	The Pharmacy Act, 1948	<p>(A) In section 26A, in sub-section (3), for the words "with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "on first conviction with fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees" shall be substituted.</p> <p>(B) In section 41, for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(1) If any person whose name is not for the time being entered in the register of the State claims that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to fifty thousand rupees and on subsequent conviction with fine not exceeding one lakh rupees:</p> <p style="padding-left: 40px;">Provided that it shall not be an offence if the name of the person is entered in the register of another State and that at the time of claim, an application for registration in the State had been made."</p> <p>(C) In section 42, in sub-section (2), for the words "imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both", the words "fine which may extend to one lakh rupees and on subsequent conviction with fine not exceeding two lakh rupees" shall be substituted.</p>

(1)	(2)	(3)	(4)	(5)
10.	1951	65	The Industries (Development and Regulation) Act, 1951	<p>(A) In section 24, in sub-section (I), for the long line, the following long line shall be substituted, namely:—</p> <p>"he shall be punishable with fine which may extend to twenty-five lakh rupees."</p> <p>(B) Section 24A shall be omitted.</p>
11.	1952	37	The Cinematograph Act, 1952	<p>(A) In section 7,—</p> <p>(i) for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p>‘(I) If any person—</p> <p>(a) without lawful authority (the burden of proving which shall be on such person) alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than ten lakh rupees, or with both;</p> <p>(b) exhibits or permits to be exhibited in any place, any film—</p> <p>(i) which has not been certified by the Board;</p> <p>(ii) which, when exhibited does not display the prescribed mark of the Board;</p> <p>(iii) which, when exhibited displays a mark of the Board which has since been altered or tampered with after the mark has been affixed,</p> <p>he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both and with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p>

(1)	(2)	(3)	(4)	(5)
				<p>(c) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (a) or clause (b), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and with a further fine which may extend to one lakh rupees for each day during which the offence continues;</p> <p>(d) exhibits or permits to be exhibited any film, which has been certified by the Board as "A" within the meaning of this Act to any minor, such person shall be liable to a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;</p> <p>(e) exhibits or permits to be exhibited any film, which has been certified by the Board as "S" within the meaning of this Act, to a person who is not a member of such profession or class, shall be liable to a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;</p> <p>(f) fails to comply with the provision contained in section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, he shall be liable to a penalty not exceeding five lakh rupees, levied by the authorised officer and in such manner as may be prescribed:</p> <p>Provided that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered by the State Government in this behalf, to pass a</p>

(1)	(2)	(3)	(4)	(5)
				<p>sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part under clauses (a) to (c):</p> <p>Provided further that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on that has been certified as "UA" under this Part.;</p> <p>(ii) after sub-section (3), the following sub-section shall be inserted, namely:—</p> <p>"(4) Any person aggrieved by any penalty imposed under clauses (d) to (f) of sub-section (1), may prefer an appeal in such manner and to such appellate authority as may be prescribed."</p> <p>(B) In section 8, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—</p> <p>"(ca) the authorised officer and the manner of levy of penalty by him in terms of clauses (d) to (f) of sub-section (1) of section 7;</p> <p>(cb) the manner of preferring appeal and appellate authority under sub-section (4) of section 7;"</p> <p>(C) In section 14, for the words "one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues", the words "one lakh rupees and, in the case of a continuing offence, with a further fine which may extend to ten thousand rupees for each day during which the offence continues" shall be substituted.</p>
12.	1953	29	The Tea Act, 1953	Sections 38 to 42 shall be omitted.
13.	1957	14	The Copyright Act, 1957	Section 68 shall be omitted.
14.	1958	44	The Merchant Shipping Act, 1958	<p>(A) In section 436,—</p> <p>(a) in sub-section (2), in the Table, against the serial numbers mentioned under column 1, in respect of the offences under column 2, relating to the sections under column 3 and the penalties under column 4, shall, respectively be substituted, in the manner as provided, namely:—</p>

(1)	(2)	(3)	(4)	(5)
				Serial No.    Offences    Section of this Act to which offence has reference    Penalties
				1                    2                    3                    4
				16                                                                             "Penalty which may extend to two lakh rupees."
				29                                                                             "Penalty which may extend to two lakh rupees."
				35                                                                             "Penalty which may extend to two lakh rupees."
				43                                                                             "Penalty which may extend to two lakh rupees."
				44                                                                             "Penalty which may extend to fifty thousand rupees."
				57(a)                                                                             "He shall be liable to forfeit all or any part of the property he leaves on board and of the wages he has then earned and also if the desertion takes place at any place not in India, to forfeit all or any part of the wages which he may earn in any other ship in which he may be employed until his next

(1)	(2)	(3)	(4)	(5)
1	2	3	4	
				return to India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him;"
			57(b)	"he shall, if the contravention does not amount to desertion, be liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expense properly incurred in hiring a substitute."
			59	(iv) Clause (d) of section 194;
				"imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or both;"

(1)	(2)	(3)	(4)	(5)
	1	2	3	4
		( <i>iva</i> ) clause ( <i>e</i> ) of section 194	194( <i>e</i> )	"imprisonment which may extend to one month, and also for every twenty-four hours of such disobedience or neglect or forfeiture out of his wages of a sum not exceeding six days' pay or any expenses, which may have been properly incurred in hiring a substitute."
	60			"Penalty which may extend to one lakh rupees."
	65			"Penalty which may extend to two lakh rupees."
	66( <i>a</i> )			"Penalty which may extend to two lakh rupees."
	68			"Penalty which may extend to fifty thousand rupees."
	72			"Penalty which may extend to two lakh rupees."
	84			"Penalty which may extend to one lakh rupees for the first offence and five lakh rupees for every subsequent offence."

(1)	(2)	(3)	(4)	(5)
	1	2	3	4
	108B			"The master or owner or agent shall be liable to penalty which may extend to five lakh rupees and the ship may also be detained."
	108E(a)			"Penalty which may extend to five lakh rupees and the ship may also be detained."
	108E(b)			"Penalty which may extend to five lakh rupees and the ship may also be detained."
	109			"Penalty which may extend to five lakh rupees."
	115D(ii)			"the offender shall be liable to penalty which may extend to fifty thousand rupees."
	133			"Penalty which may extend to one lakh rupees and the vessel may also be detained."
	135			"Penalty which may extend to fifty thousand rupees."
	137			"Penalty which may extend to one lakh rupees and the vessel may also be detained."
	137J			"Penalty which may extend to one lakh rupees and the vessel may also be detained."

(1)	(2)	(3)	(4)	(5)
				<p>(b) after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p>"(3) The penalty prescribed for the contravention of any provision of this Act shall be imposed by the Principal Officer of the Mercantile Marine Department:</p> <p>Provided that no penalty under this section shall be imposed unless the parties have been given a reasonable opportunity of being heard.</p> <p>(4) Any person aggrieved by an order of the Principal Officer referred to in sub-section (3), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may prescribe.</p> <p>(5) The Director-General may, after giving the parties an opportunity of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (4), pass appropriate order.</p> <p>(6) Any contravention of the provisions of this Act for which penalty has been prescribed may be compounded for the first contravention by the Principal Officer referred to in sub-section (3) or such other officer as may be notified by the Central Government in the Official Gazette, in this behalf:</p> <p>Provided that where any such contravention has been compounded, the sum shall not, in any case, exceed the maximum amount of the penalty which may be imposed for such contravention."</p> <p>(B) After section 436, the following section shall be inserted, namely:—</p> <p>"436A. Power to make rules.—The Central Government may, subject to the condition of previous publication, make rules prescribing form and manner of appeal against the order of the Principal Officer of the Mercantile Marine Department under sub-section (4) of section 436."</p>
15.	1961	47	The Deposit Insurance and Credit Guarantee Corporation Act, 1961	<p>In section 47, in sub-section (2),—</p> <p>(i) for the words "punishable with a fine which may extend to two thousand rupees", the words "liable to a penalty which may extend to one lakh fifty thousand rupees" shall be substituted;</p>

(1)	(2)	(3)	(4)	(5)
				<p>(ii) for the words "fine which may extend to one hundred rupees", the words "penalty which may extend to seven thousand five hundred rupees" shall be substituted;</p> <p>(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p>"(3) For the purpose of adjudging the penalty under sub-section (2), the Corporation shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such person.</p> <p>(4) Any penalty imposed by the Corporation under this section shall be payable within a period of fourteen days from the date on which notice issued by the Corporation demanding payment of the sum is served on the person and in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:</p> <p>Provided that no direction shall be made except on an application made to the court by the Corporation or any officer authorised by it in this behalf.</p> <p>(5) The court which makes a direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit."</p>
16.	1962	58	The Warehousing Corporations Act, 1962	Section 38 shall be omitted.
17.	1964	37	The Food Corporations Act, 1964	Section 41 shall be omitted.
18.	1970	39	The Patents Act, 1970	(A) In section 120, for the words "he shall be punishable with fine which may extend to one lakh rupees", the words "he shall pay, by way of penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the

(1)	(2)	(3)	(4)	(5)
				first during which such claim continues" shall be substituted.
				(B) Section 121 shall be omitted.
				(C) In section 122,—
				(i) in sub-section (1), for the long line, the following long line shall be substituted, namely:—
				"he shall pay, by way of penalty which may extend to one lakh rupees, and in case of the continuing refusal, a further penalty of one thousand rupees for every day after the first during which such refusal continues.";
				(ii) in sub-section (2), for the words "he shall be punishable with imprisonment which may extend to six months, or with fine, or with both", the words "he shall be punishable with penalty which shall not be less than twenty-five lakh rupees" shall be substituted.
				(D) In section 123, for the words "he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in case of a second or subsequent offence", the words "he shall pay, by way of penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues" shall be substituted.
				(E) After section 124, the following section shall be inserted, namely:—
				"124A. Adjudication of penalties.—
				(1) The Controller may, by an order, impose penalty on a person stating therein any contravention or default under the provisions of this Act, in the manner as may be prescribed.
				(2) The Controller shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.
				(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of the receipt of the order, the person shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees, but which may extend to five lakh rupees, or with both."

(1)	(2)	(3)	(4)	(5)
				<p>(F) In section 159, in sub-section (2), after clause (xiii), the following clause shall be inserted, namely:—</p> <p>"(xiiia) the manner of imposing penalty under sub-section (1) of section 124A;"</p>
19.	1972	13	The Marine Products Export Development Authority Act, 1972	<p>(A) In section 20, in sub-section (3), for the words "be punishable with imprisonment for a term which may extend to one year, or with fine, or with both", the words "be liable to pay penalty not less than ten thousand rupees or not exceeding twice the value of goods, whichever is higher, in respect of which such order has been made" shall be substituted.</p> <p>(B) In section 23, for the words "punishable with fine which may extend to five hundred rupees", the words "liable to pay penalty which may extend to ten thousand rupees" shall be substituted.</p> <p>(C) For sections 24 and 25, the following sections shall be substituted, namely:—</p> <p>"24. Penalties for obstructing a member or officer of Authority in the discharge of his duties and for failure to produce books and records.—Any person who—</p> <p>(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;</p> <p>(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be liable to pay penalty which may extend to ten thousand rupees.</p> <p>25. Other penalties.—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 20, 23 and 24, shall</p>

(1)	(2)	(3)	(4)	(5)
				be liable to pay a penalty not less than ten thousand rupees, or not exceeding an amount equivalent to the value of goods, whichever is higher, in respect of which such order has been made, and in case of a continuing contravention as aforesaid, a penalty of not less than fifty thousand rupees, or not exceeding an amount equivalent to twice the value of goods, whichever is higher, in respect of which such order has been made."
20.	1978	11	The High Denomination Bank Notes (Demonetisation) Act, 1978	<p>In section 10,—</p> <p>(i) in sub-section (1), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted;</p> <p>(ii) in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted;</p> <p>(iii) in sub-section (3), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "punishable with fine" shall be substituted.</p>
21.	1981	14	The Air (Prevention and Control of Pollution) Act, 1981	<p>(A) In section 21, for sub-section (1), the following shall be substituted, namely:—</p> <p>"(1) No person shall establish or operate any industrial plant in an air pollution control area unless the previous consent of the State Board has been obtained in pursuance of an application made by such person in accordance with the provisions of this section:</p> <p>Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette, exempt certain categories of industrial plants from application of the provisions of this sub-section."</p> <p>(B) After section 21, the following section shall be inserted, namely:—</p> <p>"21A. Power to issue guidelines.—</p> <p>(1) Notwithstanding anything contained in section 21, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by</p>

(1)	(2)	(3)	(4)	(5)
				any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under section 21 or validity period of such consent.
				(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 21 shall act in accordance with the guidelines issued under sub-section (1)."
				(C) For sections 37 to 41, the following sections shall be substituted, namely:—
				'37. Failure to comply with provisions of section 22 or directions issued under section 31A.— (1) Whoever contravenes or does not comply with the provisions of section 22 or directions issued under section 31A, shall, in respect of each such contravention or non-compliance, be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.
				(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.
				38. Penalties for certain acts.—(1) Whoever—
				(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;
				(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;
				(c) damages any works or property belonging to the Board;
				(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;

(1)	(2)	(3)	(4)	(5)
				<p>(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23;</p>
				<p>(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular,</p>
				<p>shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.</p>
				<p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p>
				<p>38A. Penalty for contravention by Government Department.—(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:</p>
				<p>Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p>
				<p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to pay the penalty equal to one month of his basic salary:</p>
				<p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p>
				<p>39. Penalties for contravention of certain provisions of this Act.—If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been</p>

(1)	(2)	(3)	(4)	(5)
				<p>provided for in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees every day during which such contravention continues.</p>
				<p>39A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under sections 37, 38 and 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p>
				<p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit in accordance with the provisions of sections 37, 38 or 39, as the case may be:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p>
				<p>(3) The amount of penalty imposed under the provisions of sections 37, 38 and 39, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).</p>
				<p>39B. Appeal.—(1) Any person aggrieved by the order passed by the adjudicating officer under sections 37, 38 or 39, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).</p>

(1)	(2)	(3)	(4)	(5)
				<p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p>
				<p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p>
				<p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.</p>
				<p>39C. Penalty amount to be credited to Environmental Protection Fund.—Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under sections 37, 38 or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986 (29 of 1986).</p>
				<p>39D. Offences for failure to comply with the provisions of section 21 and for failure to pay penalty.—(1) Whoever fails to comply with the provisions of section 21, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.</p>
				<p>(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.</p>
				<p>(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such</p>

(1)	(2)	(3)	(4)	(5)
				<p>imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.</p>
				<p>(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in sub-section (1) or sub-section (2) or sub-section (3), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>
				<p>(5) Notwithstanding anything contained in sub-section (4), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i>—For the purposes of this section,—</p> <p>(a) "company" includes body corporate, firm, trust, society and any other association of individuals;</p> <p>(b) "director" includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.'</p>
				<p>(D) In section 43, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—</p>
				<p>"(aa) adjudicating officer or any officer authorised by him in this behalf;"</p>

(1)	(2)	(3)	(4)	(5)
				(E) In section 53, in sub-section (I), after clause (g), the following clause shall be inserted, namely:—
				"(h) the manner of holding inquiry and imposing penalties by the adjudicating officer under sub-section (I) of section 39A;".
22.	1981	61	The National Bank for Agriculture and Rural Development Act, 1981	In section 56, for sub-section (2), the following sub-sections shall be substituted, namely:—
				"(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be liable to pay a penalty which may extend to one lakh fifty thousand rupees in respect of each failure and in the case of a continuing failure, an additional penalty which may extend to seven thousand five hundred rupees for every day during which the failure continues after the first such failure.
				(3) For the purpose of adjudging penalty under sub-section (2), the National Bank shall serve notice on the person requiring it to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such person.
				(4) Any penalty imposed by the National Bank under this section shall be payable within a period of fourteen days from the date on which notice issued by the National Bank demanding payment of the sum is served on the person and, in the event of failure of the person to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the person is situated:
				Provided that no such direction shall be made to the court by the National Bank or by any officer authorised by the National Bank in this behalf.
				(5) The court which makes a direction under sub-section (4) shall issue a certificate specifying the sum payable by the person and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.

(1)	(2)	(3)	(4)	(5)
				<p>(6) No complaint shall be filed against any person in any court in respect of any contravention or default in respect of which any penalty has been imposed by the National Bank under sub-section (2).</p> <p>(7) Where any complaint has been filed against any person in any court in respect of the contravention or default of the nature referred to in sub-section (1), then, no proceedings for the imposition of any penalty on the person shall be initiated under sub-section (2)."</p>
23.	1986	10	The Spices Board Act, 1986	<p>(A) In section 27, in the long line, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the words "penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted.</p> <p>(B) Section 28 shall be omitted.</p> <p>(C) In section 29, for the words "imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the words "penalty which may extend to fifty thousand rupees and for subsequent offence penalty which may extend to one lakh rupees" shall be substituted.</p> <p>(D) In section 30, for the words "imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention", the words "penalty which may extend to fifty thousand rupees and for subsequent offence, penalty which may extend to one lakh rupees" shall be substituted.</p>
24.	1986	29	The Environment (Protection) Act, 1986	<p>(A) In section 2, after clause (c), the following clause shall be inserted, namely:—</p> <p>'(ca) "Fund" means the Environmental Protection Fund established under section 16;'</p> <p>(B) In section 10, for sub-sections (2) to (4), the following sub-sections shall be substituted, namely:—</p>

(1)	(2)	(3)	(4)	(5)
				<p>"(2) Every person carrying on any industry, operation or process of handling any hazardous substance shall render assistance, as may be required, to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause, he shall be liable to pay the penalty provided under section 14B.</p>
				<p>(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions under sub-sections (1) or (2), he shall be liable to pay the penalty provided under section 14B.</p>
				<p>(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of that Code."</p>
				<p>(C) After section 14, the following sections shall be inserted, namely:—</p>
				<p>"14A. Penalty for contravention of section 7 or section 8.—(1) If any person, contravenes provisions of section 7 or section 8 or the rules made thereunder, he shall be liable to pay the penalty in respect of each such contravention or non-compliance, which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.</p>
				<p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of fifty thousand rupees for every day during which such contravention continues.</p>
				<p>14B. Penalty for contravention of sections 9, 10 and 11.—(1) If any person contravenes or does not comply with the provisions of section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to pay penalty in respect of each such contravention or non-compliance which shall not be less than ten thousand rupees but which may extend to five lakh rupees.</p>

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(1)	(2)	(3)	(4)	(5)
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(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such contravention continues."

(D) For sections 15 to 17, the following shall be substituted, namely:—

'15. Penalty for contravention of provisions of Act, rules, orders and directions.—(1) Where any person contravenes or does not comply with any of the provisions of this Act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than five thousand rupees but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such contravention continues.

15A. Penalty for contravention by companies.—(1) Where any company contravenes any of the provisions of this Act, the company shall be liable to pay the penalty for each such contravention which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.

(2) Where any company continues contravention or non-compliance under sub-section (1), the company shall be liable to pay an additional penalty of one lakh rupees for every day during which such contravention continues.

15B. Penalty for contravention by Government Department.—(1) Where contravention of any of the provisions of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he

(1)	(2)	(3)	(4)	(5)
				<p>exercised all due diligence to prevent such contravention.</p>
				<p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to pay the penalty equal to one month of his basic salary:</p>
				<p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p>
				<p>15C. Adjudicating Officer.—(1) The Central Government, for the purposes of determining the penalties under this Act, may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p>
				<p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p>
				<p>(2) The adjudicating officer may—</p> <p>(a) call upon any person alleged to have contravened or not complied with the provisions of this Act and the rules made thereunder or having the knowledge of the facts and circumstances of the case;</p> <p>(b) require such person to produce any record, register or other document in his possession or any other document, which in the opinion of the adjudicating officer may be relevant to the subject-matter.</p>
				<p>(3) The adjudicating officer shall, after giving the person a reasonable opportunity of being heard in the matter, and if, on such inquiry, he is satisfied that the person concerned has contravened or has not complied with the provisions of the Act or the rules made thereunder, he may impose such penalty as he thinks fit in accordance with the provisions of sections 14A, 14B, 15, 15A or 15B, as the case may be.</p>
				<p>(4) The adjudicating officer, while adjudicating the quantum of penalty under</p>

(1)	(2)	(3)	(4)	(5)
				sub-section (3), shall have due regard to the following, namely:—
				(a) the population and the area impacted or affected due to such contravention or non-compliance;
				(b) the frequency and duration of such contravention or non-compliance;
				(c) the vulnerability of the class of persons likely to be adversely affected by such contravention or non-compliance;
				(d) the damage caused or likely to be caused to any person, as a result of such contravention or non-compliance, if any;
				(e) the undue gain derived out of such contravention or non-compliance; and
				(f) any such other factor, as may be prescribed.
				(5) The amount of penalty imposed under the provisions of sections 14A, 14B, 15, 15A or 15B, as the case may be, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).
				15D. Appeal.—(1) Any person aggrieved by the order, passed by the adjudicating officer under this Act may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).
				(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.
				(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.
				(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal, ten

(1)	(2)	(3)	(4)	(5)
				per cent. of the amount of the penalty imposed by the adjudicating officer.
				15E. Penalty amount to be credited to Environmental Protection Fund.—Where any penalty or additional penalty, as the case may be, is imposed under sections 14A, 14B, 15, 15A or 15B, the amount of the penalty shall be credited to the Environmental Protection Fund established under section 16.
				15F. Offence for failure to pay penalty or additional penalty.—(1) Where any person fails to pay the penalty or additional penalty, as the case may be, under sections 14A, 14B, 15, 15A or 15B within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend to twice the amount of the penalty or with both.
				(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of offence and he shall be liable to be proceeded against and punished accordingly:
				Provided that nothing contained in this sub-section shall render any person liable to any punishment provided in sub-section (1), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
				(3) Notwithstanding anything contained in sub-section (2), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(1)	(2)	(3)	(4)	(5)
				<p><i>Explanation.</i>—For the purposes of this section,—</p>
				<p>(a) "company" includes body corporate, firm, trust, society and any other association of individuals;</p>
				<p>(b) "director" includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.</p>
				<p>CHAPTER IIIA</p>
				<p>FUND, ACCOUNTS AND AUDIT</p>
				<p>16. Environmental Protection Fund.—(1) The Central Government may, by notification in the Official Gazette, establish a Fund to be known as the Environmental Protection Fund.</p>
				<p>(2) There shall be credited to the Fund—</p>
				<p>(a) the amount of penalty imposed under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), and under this Act;</p>
				<p>(b) the interest or other income received out of investments made from the Fund; and</p>
				<p>(c) any other amount from such sources, as may be prescribed.</p>
				<p>(3) The Fund shall be applied for—</p>
				<p>(a) the promotion of awareness, education and research for the protection of environment;</p>
				<p>(b) the expenses for achieving the objects and purposes of the Air (Prevention and Control of Pollution) Act 1981 (14 of 1981), and this Act;</p>
				<p>(c) such other purposes, as may be prescribed.</p>
				<p>(4) The Central Government shall notify the administrator for the administration of the Fund and other matters connected therewith or incidental thereto in such manner, as may be prescribed.</p>
				<p>(5) The Central Government shall allocate seventy-five per cent. of the amount of penalties to the State Governments or</p>

(1)	(2)	(3)	(4)	(5)
				Union territory administrations, which has been credited to the Fund.
				<p>16A. Accounts and audit of Fund.—  <i>(1)</i> The Central Government shall maintain separate accounts and other relevant records in relation to the Environmental Protection Fund and prepare an annual statement of accounts in such form, as may be prescribed, in consultation with the Comptroller and Auditor-General of India.</p> <p><i>(2)</i> The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and such audited accounts together with the audit report thereon shall be forwarded annually to the Central Government.</p>
				<p>16B. Annual Report.—The Central Government shall prepare its annual report in relation to Environmental Protection Fund giving a full account of its activities defined under this Act in such form, as may be prescribed, for each financial year during the previous financial year and forward a copy thereof, within four months from the last date of the previous financial year, to the Central Government which shall cause the annual report and the audit report given by the Comptroller and Auditor-General of India to be laid before each House of Parliament.’</p>
				<p><i>(E)</i> In section 19, after clause <i>(a)</i>, the following clause shall be inserted, namely:—</p>
				<p>"<i>(aa)</i> adjudicating officer or any officer authorised by him in this behalf;"</p>
				<p><i>(F)</i> For section 24, the following section shall be substituted, namely:—</p>
				<p>"24. Effect of other laws.—The provisions of this Act and the rules or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force."</p>
				<p><i>(G)</i> In section 25, in sub-section <i>(2)</i>, after clause <i>(g)</i>, the following clauses shall be inserted, namely:—</p>
				<p>"<i>(ga)</i> the manner of holding inquiry and imposing penalty by the adjudicating officer under sub-section <i>(1)</i> and other factors for determining quantum of penalty</p>

(1)	(2)	(3)	(4)	(5)
				<p>under clause (f) of sub-section (4), of section 15C;</p> <p>(gb) the other amount under clause (c) of sub-section (2) of section 16;</p> <p>(gc) the other purposes under clause (c) of sub-section (3) of section 16;</p> <p>(gd) the manner of administration of Fund under sub-section (4) of section 16;</p> <p>(ge) form for maintenance of accounts of the Fund and for preparation of annual statement of accounts under sub-section (I) of section 16A;</p> <p>(gf) form for preparing Annual Report of the Fund under section 16B;"</p>
25.	1987	53	The National Housing Bank Act, 1987.	<p>(A) After section 33B, the following section shall be inserted, namely:—</p> <p>"33C. Power to take action against auditors.—Where any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the Reserve Bank may, if satisfied, remove or debar the auditor from exercising the duties as auditor of any of the Reserve Bank regulated entities for a maximum period of three years, at a time."</p> <p>(B) In section 49,—</p> <p>(i) sub-sections (2) and (2B) shall be omitted;</p> <p>(ii) in sub-section (3), clause (aa) shall be omitted;</p> <p>(iii) sub-section (4) shall be omitted.</p> <p>(C) In section 52A,—</p> <p>(I) in the marginal heading, for the word "fine", the word "penalty" shall be substituted;</p> <p>(II) in sub-section (I),—</p> <p>(i) in clause (a), for the words "five thousand", the words "twenty-five thousand" shall be substituted;</p> <p>(ii) in clause (b),—</p> <p>(a) the words, brackets and letters "or clause (aa)" shall be omitted;</p> <p>(b) for the words "five lakh", the words "ten lakh" shall be substituted;</p> <p>(c) for the words "twenty-five thousand", the</p>

(1)	(2)	(3)	(4)	(5)
				words "one lakh" shall be substituted;
				(III) after sub-section (I), the following sub-sections shall be inserted, namely:—
				"(IA) If any person or housing finance institution which is a company fails to produce any book, account or other document, or to furnish any statement or information, which, under the provisions of this Act, is the duty of such person or housing finance institution to produce or furnish, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding one lakh fifty thousand rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to seven thousand five hundred rupees for every day, after the first, during which the contravention or default continues.
				(IB) If any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person a penalty not exceeding ten lakh rupees.
				(IC) If any person (other than an auditor) or housing finance institution which is a company fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under any of the provisions of Chapter V, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such person or housing finance institution, a penalty not exceeding ten lakh rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to one lakh rupees for every day, after the first, during which the contravention or default continues.

(1)	(2)	(3)	(4)	(5)
				<p>(1D) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act, or of any order, regulation or direction made or given or condition imposed thereunder, the National Housing Bank or the Reserve Bank, as the case may be, may impose on any person or housing finance institution which is a company, guilty of such contravention or default, a penalty not exceeding one lakh rupees in respect of each contravention or default and where such contravention or default is a continuing one, further penalty which may extend to ten thousand rupees for every day, after the first, during which the contravention or default continues.";</p> <p>(IV) in sub-section (2),—</p> <p>(i) for the word, brackets and figure "sub-section (1)", the words "this section" shall be substituted;</p> <p>(ii) for the words "housing finance institution" at both the places where they occur, the words "person or housing finance institution" shall be substituted;</p> <p>(V) in sub-section (3),—</p> <p>(i) for the words "served on the housing finance institution", the words "served on the person or housing finance institution" shall be substituted;</p> <p>(ii) for the words "failure of such housing finance institution", the words "failure of such person or housing finance institution" shall be substituted;</p> <p>(iii) for the words "the area where the registered office", the words "the area where such person ordinarily resides or, as the case may be, the registered office" shall be substituted;</p> <p>(VI) in sub-section (4), after the words "payable by the", the words "person or" shall be inserted.</p>
26.	1988	59	The Motor Vehicles Act, 1988	<p>(A) In section 192A, in sub-section (1),—</p> <p>(i) for the words "and a fine of ten thousand rupees", the words "or a fine of</p>

(1)	(2)	(3)	(4)	(5)
				<p>ten thousand rupees, or with both" shall be substituted;</p> <p>(ii) the proviso shall be omitted.</p> <p>(B) In section 200,—</p> <p>(i) for the marginal heading, the following marginal heading shall be substituted, namely:—</p> <p>"Compounding of offences.";</p> <p>(ii) for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(1) Any offence whether committed before or after the commencement of this Act, punishable under section 177, section 177A, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, sub-section (3) of section 192B, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198 and section 201, may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf."</p> <p>(C) In section 215, in sub-section (3), the following proviso shall be inserted, namely:—</p> <p>"Provided that the Central Government may, by notification in the Official Gazette, constitute District Road Safety Committee for such district in such State, where the State Government has not constituted the Committee, consisting of a Chairman and such other members as it considers necessary, and on such terms and conditions as it may determine."</p>
27.	1989	24	The Railways Act, 1989	<p>In section 144, for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(2) No person shall be permitted to beg in any railway carriage or upon any part of the railway."</p>

(1)	(2)	(3)	(4)	(5)
28.	1991	6	The Public Liability Insurance Act, 1991	<p>(A) In section 2,—</p> <p>(i) clause (ha) shall be numbered as clause (hb) thereof and before clause (ha) as so renumbered, the following clause shall be inserted, namely:—</p> <p>'(ha) "property" includes any private property or public property affected or damaged by any unit or undertaking, due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes of hazardous substance;'</p> <p>(ii) after clause (j), the following clause shall be inserted, namely:—</p> <p>"(k) words and expressions used and not defined in this Act but defined in the Transfer of Property Act, 1882 (4 of 1882) and the Environment (Protection) Act, 1986 (29 of 1986) shall have the meanings respectively assigned to them in those Acts."</p> <p>(B) In section 3, for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p>"(I) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to reimburse such amount, or provide such other relief as may be prescribed, for—</p> <p>(a) death due to fatal accident;</p> <p>(b) medical expenses incurred due to total or partial disability;</p> <p>(c) loss of wages due to partial disability;</p> <p>(d) other injury or sickness;</p> <p>(e) damage to private property; or</p> <p>(f) such other loss or damage, as may be prescribed."</p> <p>(C) In section 4,—</p> <p>(a) for sub-section (I), the following shall be substituted, namely:—</p> <p>"(I) Every owner of any undertaking shall take out, before he</p>

(1)	(2)	(3)	(4)	(5)
				<p>starts handling any hazardous substance, one or more insurance policies for such undertaking or unit providing for contracts of insurance whereby he is insured against liability to give such relief or reimburse such amount as referred to in sub-section (1) of section 3.</p> <p><i>Explanation.</i>—For the purposes of this sub-section, it is hereby clarified that any undertaking having separate consent to operate under—</p> <p>(i) the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);</p> <p>(ii) the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981),</p> <p>shall be treated as a separate unit:</p> <p>Provided that any owner handling any hazardous substance immediately before the commencement of the <i>Jan Vishwas (Amendment of Provisions) Act, 2022</i>, shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from the commencement of that Act.";</p> <p>(b) for sub-section (2A), the following shall be substituted, namely:—</p> <p>'(2A) An insurance policy taken out or renewed by an owner for any undertaking or unit shall be for an amount which shall not be less than the amount of the paid-up capital of that undertaking or unit handling any hazardous substance owned or controlled by that owner and may extend to such amount as may be prescribed but not exceeding five hundred crore rupees.</p> <p><i>Explanation.</i>—For the purposes of this sub-section "paid-up capital", in relation to an owner not being a company, means the market value of all assets and stocks of the undertaking on the date of contract of insurance.'</p>

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(1)	(2)	(3)	(4)	(5)
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(D) In section 6, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) Where any damage has been caused to any public property or private property due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, an application for claim for restoration of the property may be made by the owner of the property or such other person, as may be prescribed, to the Collector."

(E) In section 7, after sub-section (8), the following sub-section shall be inserted, namely:—

"(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund for restoration of the damage so caused in the manner as may be prescribed."

(F) In section 7A, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) There shall be credited to the Relief Fund established under sub-section (I)—

(a) the amount as referred to in sub-section (2C) of section 4;

(b) the amount of penalty imposed under this Act;

(c) the interest or other income received out of investments made from the Fund; and

(d) any other amount from such sources, as may be prescribed.

(G) For section 14, the following section shall be substituted, namely:—

"14. Penalty for contravention.— (I) Where any person contravenes any of the provisions of sub-section (I), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be

(1)	(2)	(3)	(4)	(5)
				liable to pay the penalty equal to the amount of annual premium for insurance policy and may extend to twice the amount of such premium.
				(2) Where contravention under sub-section (1) continues, an additional penalty may be imposed by the adjudicating officer, which shall not exceed the amount of premium to be paid, for each month or part thereof during which the contravention continues."
				(H) For section 15, the following sections shall be substituted, namely:—
				"15. Penalty for non-compliance of directions.—(1) Where any person does not comply with any directions issued under section 12, he shall be liable to pay a penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.
				(2) Where any person continues non-compliance under sub-section (1), he shall be liable to pay an additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees for every day during which such non-compliance continues.
				(3) Where any owner does not comply with the direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under sub-sections (1), (2) or (3) of section 11, he shall be liable to pay penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.
				(4) Where any person continues non-compliance under sub-section (3), he shall be liable to pay an additional penalty of ten thousand rupees for every day during which such non-compliance continues.
				15A. Adjudicating Officer.—(1) The Central Government, for the purposes of determining the penalties under sections 14 or 15, may appoint the District Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an officer not below the rank of Joint Secretary to the State Government, to be the adjudicating officer,

(1)	(2)	(3)	(4)	(5)
				to hold an inquiry in the manner, as may be prescribed and to impose the penalty:
				Provided that the Central Government may appoint as many adjudicating officers as may be required.
				(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4 and section 12, he may determine such penalty as he thinks fit in accordance with the provisions of sections 14 and 15:
				Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.
				15B. Appeal.—(1) Any person aggrieved by the order, passed by the adjudicating officer under sections 14 or 15, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).
				(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.
				(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.
				(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer."
				(1) Section 16 shall be omitted.

(1)	(2)	(3)	(4)	(5)
				<p>(J) For section 17, the following sections shall be substituted, namely:—</p>
				<p>'17. Penalty for contravention by Government Department.—(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:</p>
				<p>Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p>
				<p>(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of any officer, other than the Head of the Department, he shall be liable to pay the penalty equal to one month of his basic salary:</p>
				<p>Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.</p>
				<p>17A. Penalty amount to be credited to Environmental Relief Fund.—Where any penalty or additional penalty, as the case may be, is imposed under section 14 or section 15 or section 17, the amount of such penalty shall be credited to the Environmental Relief Fund established under section 7A.</p>
				<p>17B. Offence for failure to pay the penalty or additional penalty.—(1) Where any person fails to pay the penalty or additional penalty imposed for—</p>
				<p>(a) contravention or continued contravention under sections 14 or 17, as the case may be;</p>
				<p>(b) non-compliance of the directions issued under section 15, within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend up to fifteen lakh rupees or with both.</p>
				<p>(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly</p>

(1)	(2)	(3)	(4)	(5)
				<p>in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:</p>
				<p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>
				<p>(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>
				<p><i>Explanation.</i>—For the purposes of this section,—</p>
				<p>(a) "company" means any body corporate and includes a firm or other association of individuals;</p>
				<p>(b) "director" in relation to a firm, means a partner in the firm.'</p>
				<p>(K) In section 23, in sub-section (2),—</p>
				<p>(i) for clause (a), the following clause shall be substituted, namely:—</p>
				<p>"(a) such amount under sub-section (2A) of section 4;"</p>
				<p>(ii) after clause (e), the following clauses shall be inserted, namely:—</p>
				<p>"(ea) amount or relief and any other loss or damage under sub-section (1) of section 3;</p>
				<p>(eb) such other person under sub-section (1A) of section 6;</p>
				<p>(ec) manner of allocation of fund for restoration of damage under sub-section (9) of section 7;</p>
				<p>(ed) any other amount from</p>

(1)	(2)	(3)	(4)	(5)
				<p>other sources under clause (d) of sub-section (IA) of section 7A;</p> <p>(ee) manner of holding inquiry under sub-section (I) of section 15A;"</p> <p>(L) The Schedule shall be omitted.</p>
29.	1995	7	The Cable Television Networks (Regulation) Act, 1995	<p>(A) For sections 16 to 18, the following section shall be substituted, namely:—</p> <p>"16. Penalty for contravention of provisions of this Act.—(I) Whoever contravenes any of the provisions of this Act shall be punishable,—</p> <p>(a) for the first offence, with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both;</p> <p>(b) for every subsequent offence, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both;</p> <p>(c) for any violation thereafter, by cancellation of registration granted, for such period,</p> <p>by the designated officer, as may be prescribed.</p> <p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (I):</p> <p>Provided that no such penalty shall be imposed without giving a reasonable opportunity of being heard.</p> <p>(3) Any person aggrieved by any penalty imposed by order under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p> <p>Provided that no such appeal shall be admissible after thirty days of imposition of penalty:</p> <p>Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."</p> <p>(B) In section 22, in sub-section (2), after clause (da), the following clause shall be inserted, namely:—</p>

(1)	(2)	(3)	(4)	(5)
30.	1999	47	The Trade Marks Act, 1999	<p data-bbox="826 322 1286 380">"(db) the period and designated officer under sub-section (I) of section 16;"</p> <p data-bbox="826 398 1171 425">(A) Section 106 shall be omitted.</p> <p data-bbox="762 443 1286 658">(B) In section 107, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to a penalty of not less than twenty-five thousand rupees but which may extend to one lakh rupees" shall be substituted.</p> <p data-bbox="826 676 1273 703">(C) Sections 108 and 109 shall be omitted.</p> <p data-bbox="762 721 1286 779">(D) after section 112, the following section shall be inserted, namely:—</p> <p data-bbox="896 797 1286 824">"112A. Adjudication of penalties.—</p> <p data-bbox="826 842 1286 1016">(I) The Registrar may, by an order, impose penalty on a person for any contravention or default, the manner and conditions of recovery of penalty under the provisions of this Act shall be such as may be prescribed.</p> <p data-bbox="826 1034 1286 1151">(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p data-bbox="826 1169 1286 1384">(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of receipt of the order, he shall be punishable with a fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</p> <p data-bbox="762 1402 1286 1491">(E) In section 140, for sub-section (3), the following sub-section shall be substituted, namely:—</p> <p data-bbox="826 1509 1286 1662">"(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to pay a penalty of ten thousand rupees:</p> <p data-bbox="826 1680 1286 1796">Provided that the penalty under this section shall be levied by such authority as authorised under the Customs Act, 1962 (52 of 1962) for this purpose."</p> <p data-bbox="762 1814 1286 1904">(F) In section 157, in sub-section (2), after clause (xxiii), the following clause shall be inserted, namely:—</p> <p data-bbox="762 1921 1286 2007">"(xxiiia) the manner and conditions of recovery of penalty under sub-section (I) of section 112A;"</p>

(1)	(2)	(3)	(4)	(5)
31.	1999	48	The Geographical Indications of Goods (Registration and Protection) Act, 1999	<p>(A) After section 37, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">"37A. Adjudication of penalties.—(1) The Registrar may, by an order, impose penalty, on a person for any contravention or default under the provisions of this Act, the manner and conditions of recovery of penalty, shall be such as may be prescribed.</p> <p style="padding-left: 40px;">(2) The Registrar shall, before imposing any penalty, give a reasonable opportunity of being heard to the person who is in default.</p> <p style="padding-left: 40px;">(3) Where the person fails to comply with the order made under sub-section (1), within a period of ninety days from the date of receipt of the order, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees, or with both."</p> <p>(B) In section 42, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to a penalty, of not less than twenty-five thousand rupees but which may extend to one lakh rupees" shall be substituted.</p> <p>(C) Sections 43 and 44 shall be omitted.</p> <p>(D) In section 87, in sub-section (2), after clause (o), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(oa) the manner and conditions of recovery of penalty under sub-section (1) of section 37A;"</p>
32.	2000	21	The Information Technology Act, 2000	<p>(A) In section 2, in sub-section (1), in clause (e), for the long line, the following shall be substituted, namely:—</p> <p style="padding-left: 40px;">"the State Government, and in any other case—</p> <p style="padding-left: 80px;">(1) relating to relevant provision, or a computer resource, which is controlled by the respective Ministry or Department of the Central Government, such Ministry or Department; or</p>

(1)	(2)	(3)	(4)	(5)
				(H) not covered under sub-clause (I), the Central Government;".
				(B) In section 33, in sub-section (2), for the words "punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both", the words "liable to pay penalty which may extend to five lakh rupees" shall be substituted.
				(C) In section 44,—
				(i) in clause (a), for the words "one lakh and fifty thousand", the words "fifteen lakh" shall be substituted;
				(ii) in clause (b), for the words "five thousand", the words "fifty thousand" shall be substituted;
				(iii) in clause (c), for the words "ten thousand", the words "one lakh" shall be substituted.
				(D) In section 45, for the words "compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees", the following shall be substituted, namely:—
				"penalty not exceeding one lakh rupees, in addition to compensation to the person affected by such contravention not exceeding—
				(a) ten lakh rupees, by an intermediary, company or body corporate; or
				(b) one lakh rupees, by any other person."
				(E) In section 46, in sub-section (I), for the words "under this Chapter", the words "under this Act" shall be substituted.
				(F) Section 66A shall be omitted.
				(G) In section 67C, in sub-section (2), for the words "punished with an imprisonment for a term which may extend to three years and also be liable to fine", the words "liable to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.
				(H) In section 68, in sub-section (2), for the words "on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both", the words "to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.

(1)	(2)	(3)	(4)	(5)
				<p>(I) In section 69B, in sub-section (4), for the words "three years and shall also be liable to fine", the words "one year or shall be liable to fine which may extend to one crore rupees, or with both" shall be substituted.</p> <p>(J) In section 70B, in sub-section (7), for the words "one lakh", the words "one crore" shall be substituted.</p> <p>(K) In section 72, for the words "punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both", the words "liable to penalty which may extend to five lakh rupees" shall be substituted.</p> <p>(L) In section 72A, for the words "punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both", the words "liable to pay penalty which may extend to twenty-five lakh rupees" shall be substituted.</p>
33.	2002	60	The Metro Railways (Operation and Maintenance) Act, 2002	<p>(A) In section 6, in sub-section (2),—</p> <p>(a) in clause (h), the word "and" occurring at the end shall be omitted;</p> <p>(b) after clause (i), the following clause shall be inserted, namely:—</p> <p>"(j) levy and collect penalties under this Act."</p> <p>(B) In section 59, for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(2) If any metro railway official or authorised person is in a state of intoxication while on duty, he shall be punishable with penalty which may extend to ten thousand rupees."</p> <p>(C) In section 63, for the words "imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both", the words "penalty which may extend to five thousand rupees" shall be substituted.</p> <p>(D) In section 65, in the long line, for the words "five years, or with fine which may extend to six thousand rupees, or with both", the words "one year, or with fine which may extend to thirty thousand rupees, or with both" shall be substituted.</p> <p>(E) In section 69, for sub-section (4), the following sub-section shall be substituted, namely:—</p>

(1)	(2)	(3)	(4)	(5)										
				<p>"(4) If any passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro rail official authorised by the metro rail administration in this behalf may apply to the Metropolitan Magistrate or, as the case may be, Judicial Magistrate of the First Class, for the recovery of the sum payable as if it were a fine."</p> <p>(F) For section 70, the following section shall be substituted, namely:—</p> <p>"70. Needlessly interfering with means of communication in a train.—If any passenger or any other person without reasonable and sufficient cause makes use of, or interferes with, any means provided by the metro railway administration in a metro railway for communication between passengers and metro railway official in charge of the metro railway or misuses alarm bell or emergency stop push or emergency trip system or emergency call point of the metro railway, he shall be punishable with penalty which may extend to ten thousand rupees."</p> <p>(G) Section 80 shall be omitted.</p> <p>(H) In section 82, in sub-section (1), for the words and figures "sections 59, 61, 65 to 79", the words and figures "sections 61, 65 to 68, 71 to 79" shall be substituted.</p>										
34.	2003	15	The Prevention of Money-laundering Act, 2002	<p>In THE SCHEDULE, in PART A,—</p> <p>(i) for PARAGRAPH 21, the following PARAGRAPH shall be substituted, namely:—</p> <p>"PARAGRAPH 21</p> <p>OFFENCES UNDER THE TRADE MARKS ACT, 1999 (47 OF 1999)</p> <table border="1"> <thead> <tr> <th>Section</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>Penalty for applying false trade marks, trade descriptions, etc.</td> </tr> <tr> <td>104</td> <td>Penalty for selling goods or providing services to which false trade mark or false trade description is applied.</td> </tr> <tr> <td>105</td> <td>Enhanced penalty on second or subsequent conviction.</td> </tr> <tr> <td>120</td> <td>Punishment of abetment in India of acts done out of India.";</td> </tr> </tbody> </table>	Section	Description	103	Penalty for applying false trade marks, trade descriptions, etc.	104	Penalty for selling goods or providing services to which false trade mark or false trade description is applied.	105	Enhanced penalty on second or subsequent conviction.	120	Punishment of abetment in India of acts done out of India.";
Section	Description													
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120	Punishment of abetment in India of acts done out of India.";													

(1)	(2)	(3)	(4)	(5)				
				<p>(ii) for PARAGRAPH 22, the following PARAGRAPH shall be substituted, namely:—</p> <p style="text-align: center;">"PARAGRAPH 22</p> <p style="text-align: center;">OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000</p> <p style="text-align: center;">(21 OF 2000)</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Section</th> <th style="text-align: left;">Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">75</td> <td>Act to apply for offence or contravention committed outside India.";</td> </tr> </tbody> </table> <p>(iii) PARAGRAPH 25 shall be omitted;</p> <p>(iv) PARAGRAPH 27 shall be omitted.</p>	Section	Description	75	Act to apply for offence or contravention committed outside India.";
Section	Description							
75	Act to apply for offence or contravention committed outside India.";							
35.	2006	34	The Food Safety and Standards Act, 2006	<p>(A) In section 59, in clause (i), for the words "imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees", the words "fine which may extend to three lakh rupees" shall be substituted.</p> <p>(B) In section 61, for the words "imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees", the words "fine which may extend to ten lakh rupees" shall be substituted.</p> <p>(C) In section 63, for the words "imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees", the words "fine which may extend to five lakh rupees" shall be substituted.</p>				
36.	2006	38	The Government Securities Act, 2006	<p>In section 30, in sub-section (I), for the words "with imprisonment for a term which may extend to six months, or with fine, or with both", the words "with fine" shall be substituted.</p>				
37.	2006	41	The Cantonments Act, 2006	<p>(A) Section 156 shall be omitted.</p> <p>(B) In section 185, for sub-section (I), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 40px;">"(I) No person employed in any essential service under a Board in a cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty, disciplinary proceedings shall be initiated against him in accordance with such procedure as may be prescribed."</p> <p>(C) In section 285, for the word "five thousand rupees, or with imprisonment for a term</p>				

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(1)	(2)	(3)	(4)	(5)
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which may extend to six months, or with both", the words "seven thousand and five hundred rupees" shall be substituted.

(D) In section 286, in the long line, for the words "two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees", the words "three thousand rupees, and, in the case of a subsequent offence with fine which may extend to five thousand rupees" shall be substituted.

(E) For section 287, the following section shall be substituted, namely:—

"287. Seizure and confiscation of things for offences under sections 285 and 286.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, seize and detain any spirituous liquor or intoxicating drug in respect of which an offence under section 285 or section 286 has been committed and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 (2 of 1974), anything seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken."

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(1)	(2)	(3)	(4)	(5)
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(F) In section 289, in sub-section (5), for the words "punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months", the words "punishable, in the case of a first offence, with a fine which may extend to five thousand rupees and, in the case of a subsequent offence, with a fine which may extend to ten thousand rupees" shall be substituted.

(G) In section 300, in sub-section (I), for the words "punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year", the words "punishable with fine which may extend to six thousand rupees" shall be substituted.

(H) For section 314, the following section shall be substituted, namely:—

"314. Arrest without warrant.—Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of the provision of clause (a) of section 304:

Provided that in the case of a breach of such provisions, no person shall be arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address given, the burden of proof of which shall lie on the arresting officer, and no person arrested shall be detained after his name and address have been ascertained."

(I) In section 331, for the word and figures "Schedule IV", the words, brackets, letter and figures "clause (a) of section 304" shall be substituted.

(J) In section 332, for sub-section (I), the following sub-section shall be substituted, namely:—

"(I) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under clause (a) of section 304:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the

(1)	(2)	(3)	(4)	(5)
				<p>Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible."</p> <p>(K) Schedule IV shall be omitted.</p>
38.	2007	51	The Payment and Settlement Systems Act, 2007	<p>(A) In section 26,—</p> <p>(i) in sub-section (3), for the words "punishable with fine which may extend to ten lakh rupees in respect of each offence and if he persists in such refusal, to a further fine which may extend to twenty-five thousand rupees for every day for which the offence continues", the words and figures "liable to a penalty as may be imposed in accordance with the provisions of section 30" shall be substituted;</p> <p>(ii) in sub-section (6), for the words "punishable with fine which may extend to ten lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to twenty-five thousand rupees for every day, after the first during which the contravention or default continues", the words and figures "liable to a penalty as may be imposed in accordance with the provisions of section 30" shall be substituted.</p> <p>(B) In section 30, in sub-section (1),—</p> <p>(i) after the word, brackets and figure "sub-section (2)", the words, brackets and figure "or sub-section (3)" shall be inserted;</p> <p>(ii) for the words "five lakh", the words "ten lakh" shall be substituted.</p>
39.	2009	7	The Collection of Statistics Act, 2008	<p>(A) In section 15, for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(1) Whoever, acts in contravention of or fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a</p>

(1)	(2)	(3)	(4)	(5)
				<p>company, with a fine which may extend to five thousand rupees."</p> <p>(B) Sections 16 to 22 shall be omitted.</p>
40.	2010	1	The Legal Metrology Act, 2009	<p>(A) In section 25, for the words "twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine", the words "one lakh twenty-five thousand rupees and for the second offence with fine which may extend to two lakh fifty thousand rupees and for the third and subsequent offence, with fine which may extend to five lakh rupees" shall be substituted.</p> <p>(B) In section 27, in the long line, for the words "twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both", the words "one lakh rupees and for the second offence with fine which may extend to two lakh rupees and for the third and subsequent offence, with fine which may extend to four lakh rupees" shall be substituted.</p> <p>(C) In section 28, for the words "ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both", the words "fifty thousand rupees and for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence with fine which may extend to two lakh rupees" shall be substituted.</p> <p>(D) In section 29, for the words "ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both", the words "fifty thousand rupees for the second offence with fine which may extend to one lakh rupees and for the third and subsequent offence with a fine which may extend to two lakh rupees" shall be substituted.</p> <p>(E) In section 31, for the words "five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine", the words "twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted.</p>

(1)	(2)	(3)	(4)	(5)
				<p>(F) In section 34, for the words "fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both", the words "fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted.</p> <p>(G) In section 35, for the words "fine which shall not be less than two thousand rupees, but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both", the words "fine which may extend to twenty-five thousand rupees and for the second offence with fine which may extend to fifty thousand rupees and for the third and subsequent offence, with fine which may extend to one lakh rupees" shall be substituted.</p> <p>(H) In section 48,—</p> <p>(a) in sub-sections (1) and (2), for the words and figures "sections 27 to 39" at both the places where they occur, the words and figures "sections 27 to 39, section 41" shall be substituted;</p> <p>(b) in sub-section (3), after the words and figures "sections 33 to 37", the word and figure "section 41," shall be inserted."</p>
41.	2012	12	The Factoring Regulation Act, 2011	<p>(A) For sections 21 and 22, the following sections shall be substituted, namely:—</p> <p>"21. Penalties.—If a default is made in filing under section 19, the particulars of any transaction of assignment of receivables and realisation of receivables by a factor, such company and every officer of the company who is in default shall be liable to a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues, to be imposed by the Reserve Bank in accordance with the provisions of sub-sections (2) to (4) of section 22.</p>

(1)	(2)	(3)	(4)	(5)
				<p>22. Penalties for non-compliance of direction by Reserve Bank.—(1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, or fails in filing the particulars of any transaction of receivables and realisation of receivables under section 19, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional penalty which may extend to ten thousand rupees for every day during which the default continues.</p>
				<p>(2) For the purpose of adjudging the penalty under sub-section (1) or section 21, the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such factor.</p>
				<p>(3) Any penalty imposed by the Reserve Bank under this section or section 21, shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor, and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:</p>
				<p>Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf:</p>
				<p>Provided further that the Reserve Bank may also recover the amount of penalty by debiting the current account, if any, of the defaulter or by liquidating the securities held to the credit of the defaulter.</p>
				<p>(4) The court which makes a direction under sub-section (3) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit."</p>

(1)	(2)	(3)	(4)	(5)
42.	2016	18	The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016	In section 41, for the words "punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both", the words "liable to a penalty which may extend to one lakh rupees, or in the case of a company, with a penalty which may extend to ten lakh rupees" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The corner stone of democratic governance lies in the Government trusting its own people and institutions. A web of outdated rules and regulations causes trust deficit. It has been the endeavour of the Government to achieve the principle of 'Minimum Government Maximum Governance', redefining the regulatory landscape of the country under the Ease of Living and Ease of Doing Business reforms.

2. Reducing compliance burden gives impetus to business process reengineering and improves Ease of living of people. Series of measures such as simplifying, digitising and rationalising compliances are being taken to achieve these goals. India needs to shed the baggage of antiquated laws that adversely affect developmental trajectory. With the advent of technology and changes in the socio-economic scenario, it is essential to unshackle the bygone mindset in this *Amrit Kaal* of independent India.

3. The Government is committed to make India the most preferred global investment destination by boosting investor confidence. The fear of imprisonment for minor offences is a major factor hampering the growth of the business ecosystem and individual confidence. Decriminalisation of large number of minor offences by replacing them with monetary penalties have been identified. The endeavour is not only to make lives and businesses easier but also to reduce judicial burden. Settlement of large number of issues, by compounding method, adjudication and administrative mechanism, without involving courts, will enable persons to remedy minor contraventions and defaults, sometimes committed unknowingly by them, and save time, energy and resources.

4. Besides decriminalisation of minor offences, the Bill also envisages rationalisation of monetary penalties, depending on the gravity of offence, bolstering the trust-based governance. Yet another novelty involved in the proposal is increase of ten per cent. of the minimum amount of fine and penalty levied, after the expiry of every three years, once the Bill becomes a law.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 21st December, 2022.*

PIYUSH GOYAL.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

In the Bill, in the Schedule,—

(a) in serial number 5, clause (F) empowers the Central Government to make rules regarding manner of conducting enquiry by the adjudicating officer and the manner in which an appeal may be preferred before the Agricultural Marketing Adviser;

(b) in serial number 11, sub-clauses (d), (e), (f) of clause (A) empowers the Central Government to make rules for levy of penalty by the authorised officer for violation of the offences enumerated in the said clauses and the manner in which an appeal may be preferred before the appellate authority;

(c) in serial number 14, sub-clause (b) of clause (A) and clause (B) empowers the Central Government to make rules regarding form and manner of preferring appeal against the order of the Principal Officer of the Mercantile Marine Department;

(d) in serial number 18, clause (E) empowers the Central Government to make rules regarding manner of imposing penalty;

(e) in serial number 21, clause (C) empowers the Central Government to make rules regarding manner of holding inquiry and imposing penalties;

(f) in serial number 24, clause (D) empowers the Central Government to make rules, *inter alia*, regarding the manner of holding inquiry and imposing penalty by the adjudicating officer and other factors for determining quantum of penalty; the manner of administration of Fund; form for maintenance of accounts of the Fund and for preparation of annual statement of accounts and for form for preparing annual report of the Funds;

(g) in serial number 28, clause (B) empowers the Central Government to make rules regarding the amount or relief and such other loss or damage; clause (D) empowers the Central Government to make rules to prescribe such other person; clause (E) empowers the Central Government to make rules regarding the manner of allocation of fund for restoration of damage; clause (F) empowers the Central Government to prescribe the any other amount from such sources; and clause (H) empowers the Central Government to make rules regarding the manner of holding inquiry;

(h) in serial number 29, clause (A) empowers the Central Government to make rules regarding the period and designated officer;

(i) in serial number 30, clause (D) empowers the Central Government to make rules regarding manner and conditions for recover of penalty;

(j) in serial number 31, clause (A) empowers the Central Government to make rules regarding manner and conditions for recovery of penalty.

2. The matters in respect of which notifications may be issued and rules may be made in accordance with the provisions of the Bill are generally matters of procedures and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE PRESS AND REGISTRATION OF BOOKS ACT, 1867

(25 OF 1867)

\* \* \* \* \*

Appeal.

**8C.** (1) Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8B may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its members:

37 of 1978.

Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.

\* \* \* \* \*

PART IV

PENALTIES

Penalty for printing contrary to rule in section 3.

**12.** Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.

Penalty for keeping press without making declaration required by section 4.

**13.** Whoever shall keep in his possession any such press as aforesaid, in contravention of any of the provisions contained in section 4 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.

Punishment for making false statement.

**14.** Any person who shall, in making any declaration or other statement under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall, on conviction before a Magistrate, be punished by fine not exceeding thousand rupees, and imprisonment for a term not exceeding six months.

Penalty for printing or publishing newspaper without conforming to rules.

**15.** (1) Whoever shall edit, print or publish any newspaper without conforming to the rules hereinbefore laid down, or whoever shall edit, print or publish, or shall cause to be edited, printed or published, any newspaper, knowing that the said rules have not been observed with respect to that newspaper, shall, on conviction before a Magistrate, be punished with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months or both.

(2) Where an offence is committed in relation to a newspaper under sub-section (1), the Magistrate may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the newspaper.

**15A.** If any person who has ceased to be a printer or publisher of, any newspaper fails or neglects to make a declaration in compliance with section 8, he shall, on conviction before a Magistrate, be punishable by fine not exceeding two hundred rupees.

Penalty for failure to make a declaration under section 8.

**16.** If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

Penalty for not delivering books or not supplying printer with maps.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

**16A.** If any printer of any newspaper published in India neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.

Penalty for failure to supply copies of newspapers gratis to Government.

**16B.** If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11 B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default.

Penalty for failure to supply copies of newspapers to Press Registrar.

**17.** Any sum forfeited to the Government under section 16 may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure for the time being in force, and within the period prescribed by the Indian Penal Code, for the levy of a fine.

Recovery of forfeitures and disposal thereof and of fines.

45 of 1860.

\* \* \* \* \*

**19K.** If the publisher of any newspaper—

(a) refuses or neglects to comply with the provisions of section 19D or section 19E; or

Penalty for contravention of section 19D or section 19E, etc.

\* \* \* \* \*

(c) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

**19L.** If any person engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for improper disclosure of information.

45 of 1860.

\* \* \* \* \*

## EXTRACTS FROM THE INDIAN POST OFFICE ACT, 1898

(6 OF 1898)

\* \* \* \* \*

## CHAPTER X

## PENALTIES AND PROCEDURE

*Offences by officers of the Post Office*

Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.

**49.** Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post,—

(a) is in a state of intoxication while so employed, or

(b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered, or

(c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid, or

(d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.

**50.** Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for making false entry in register kept by person employed to carry or deliver any postal articles.

**51.** Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for theft, dishonest misappropriation, secretion, destruction, or throwing away of postal articles.

**52.** Whoever, being an officer of the Post Office, commits theft in respect of or dishonestly misappropriates, or for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

**53.** Whoever, being an officer of the Post Office, contrary to this duty, opens, or causes or suffers to be opened, any postal article in course of transmission by post, or willfully details or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine or both:

Penalty for opening, detaining or delaying postal articles.

Provided that nothing in this Section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act or in obedience to the order in writing of the Central Government or the direction of a competent Court.

**54.** Whoever, being an officer of the Post Office,—

(a) fraudulently puts any wrong official mark on a postal article, or

(b) fraudulently alters, removes or causes to disappear an official mark which is on a postal article, or

(c) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act,

Penalty for fraud in connection with official marks and for receipt of excess postage.

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

**55.** Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently preparing, altering, secreting or destroying Post Office documents.

**56.** Whoever, being an officer of the Post Office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the government of the postage on such postal article shall be punishable with imprisonment for a term which may extend to two years and shall also be punishable with fine.

Penalty for fraudulently sending unpaid postal articles.

\* \* \* \* \*

**57.** [*Punishment of offences committed in a tribal area, Acceding State or other Indian State.*] Omitted by the Finance Act, 1950 (25 of 1950), s. 11 and the Fourth Schedule.

#### *Other Offences*

**58.** (1) Whoever—

(a) conveys otherwise than by post, a letter within the exclusive privilege conferred on the Central Government by Section 4, or

(b) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid, or

(c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid, or

(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post,

Penalty for contravention of Section 4.

shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for contravention of Section 5.

**59.** (1) Whoever, in contravention of the provision of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for breach of rules under section 16.

**60.** Whoever, being appointed to sell postage stamps,—

(a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(b) commits a breach of any other rule under Section 16, shall be punishable with fine which may extend to two hundred rupees.

Penalty for contravention of section 19, 19A or 20.

**61.** (1) whoever, in contravention of the provisions of section 19 or section 19A or section 20, sends or tenders or makes over in order to be sent by post any postal article or anything, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 19A or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Penalty for defiling or injuring post office letter boxes.

**62.** Whoever places in or against any letter box provided by the Post Office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid or commits a nuisance in or against any such letter box, or does any thing likely to injure any such letter box or its appurtenance or contents, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Penalty for affixing without authority thing to, or painting, tarring or disfiguring post office or post office letter-boxes.

**63.** Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or any letter-box provided by the Post Office for the reception of postal articles, shall be punishable with fine which may extend to fifty rupees.

Penalty for making false declaration.

**64.** Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.

Penalty for master of ship failing to comply with the provisions of section 40 or 41.

**65.** Whoever, being the master of a ship,—

(a) fails to comply with the provisions of section 40, or

(b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer-in-charge of the Post Office at a port of arrival, as required by section 41,

shall be punishable with fine which may extend to one thousand rupees.

**66.** (1) Whoever, being either the master of ship arriving at any port in India or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Central Government by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.

Penalty for detention of letters on board vessel arriving in port.

(2) Whoever, being such master or other person as aforesaid, detains any such postal articles as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to one hundred rupees for every such postal article.

**67.** Whoever, except under the authority of this Act or of any other Act for the time being in force or in obedience to the order in writing of the Central Government or the direction of a competent Court, detains the mail or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to two hundred rupees:

Penalty for detaining mails or opening mail bag.

Provided that nothing in this section shall prevent the detention of an officer of the Post Office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1898, or any other law for the time being in force.

5 of 1898.

**68.** Whoever, fraudulently retains or willfully secretes or makes away with, or keeps or detains, or when required by an officer of the Post Office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for retaining postal articles wrongly delivered or mail bags.

**69.** Whoever, not being an officer of the Post Office, willfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Penalty for unlawfully diverting letters.

Provided that nothing in this Section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

#### *General*

**70.** Whoever, abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Penalty for abetting or attempting to commit, offences under Act.

**71.** In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

Property in cases of offences to be laid in the Post Office.

**72.** No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (a) and (b), 55, 56, 58, 59, 61, 64, 65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

Authority for prosecutions under certain sections of Act.

\* \* \* \* \*

## EXTRACTS FROM THE BOILERS ACT, 1923

(5 OF 1923)

	*	*	*	*	*
Minor penalties.	<b>22.</b> Any owner of a boiler who refuses or without reasonable excuse neglects—				
	*	*	*	*	*
	(iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16,				
	shall be punishable with fine which may extend to five thousand rupees.				
Penalties for illegal use of boiler.	<b>23.</b> Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to one lakh rupees, and, in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.				
Other penalties.	<b>24.</b> Any person who—				
	(a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one State to another without such transfer having been reported as required by section 6, or				
	(b) being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7, or				
	*	*	*	*	*
	(d) fails to report an accident to a boiler or steam-pipe when so required by section 18, or				
	shall be punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.				
	*	*	*	*	*

## EXTRACTS FROM THE INDIAN FOREST ACT, 1927

(16 OF 1927)

	*	*	*	*	*
Acts prohibited in such forests.	<b>26.</b> (1) Any person who—				
	*	*	*	*	*
	(d) trespasses or pastures cattle, or permits cattle to trespass;				
	(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;				
	shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.				
	*	*	*	*	*
Penalties for acts in contravention of notification under section 30 or of rules under section 32.	<b>33.</b> (1) Any person who commits any of the following offences, namely:—				
	*	*	*	*	*
	(e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;				
	(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;				

(g) permits cattle to damage any such tree;  
shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

\* \* \* \* \*

EXTRACTS FROM THE AGRICULTURAL PRODUCE  
(GRADING AND MARKING) ACT, 1937  
(1 OF 1937)

\* \* \* \* \*

**4.** Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

Penalty for unauthorised marking with grade designation mark.

**5.** Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees.

Penalty for counterfeiting grade designation mark.

**5A.** Whoever sells any scheduled article which is migraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

Penalty for selling migraded articles.

**5B. (1)\*** \* \* \* \*

(4) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

Power to prescribe compulsory grade designations in respect of certain articles.

**5C.** No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by—

Institution of prosecution.

(a) the Central Government or the State Government or any officer authorised by it in writing; or

(b) the person aggrieved; or

(c) a recognised consumer association, whether the person aggrieved is a member of that association or not.

*Explanation.*—For the purposes of this section, "recognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.

1 of 1956.

\* \* \* \* \*

EXTRACTS FROM THE DRUGS AND COSMETICS ACT, 1940  
(23 OF 1940)

\* \* \* \* \*

**30. (1) \*** \* \* \* \*

(2) Whoever, having been convicted of an offence under section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to two years, or with fine which shall not be less than ten thousand rupees or with both.

Penalty for subsequent offences.

\* \* \* \* \*

Compounding of certain offences.

**32B.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under clause (b) of sub-section (1) of section 13, section 28 and section 28A of this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by the Central Government or by any State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for credit to that Government of such sum as that Government may, by rules made in this behalf, specify:

2 of 1974.

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded:

Provided further that in cases of subsequent offences, the same shall not be compoundable.

\* \* \* \* \*

EXTRACT FROM THE PUBLIC DEBT ACT, 1944  
(18 OF 1944)

\* \* \* \* \*

Penalty.

**27.** (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority under this Act in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

(2) No Court shall take cognizance of any offence under sub-section (1) except on the complaint of the Bank.

\* \* \* \* \*

EXTRACTS FROM THE RUBBER ACT, 1947  
(24 OF 1947)

Power to prohibit or control imports and exports of rubber.

**11.** (1) \* \* \* \* \*

(3) If any person contravenes any order made under sub-section (1) he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878., as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year or with fine or with both.

\* \* \* \* \*

Power to fix maximum and minimum prices for sale of rubber.

**13.** (1) \* \* \* \* \*

(3) If any person buys or sells, or agrees to buy or sell, rubber at a price which is more than the maximum price, or less than the minimum price, fixed under sub-section (1) in that behalf, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

\* \* \* \* \*

Penalties.

**26.** (1) If any person—

(a) contravenes any provision of this Act, other than section 11 or section 13, or any rule made under this Act, or

(b) in any report or return to be furnished under this Act, makes any statement which is false and which he knows to be false or does not believe to be true, or

(c) obstructs any officer of the Board in the discharge of any duty imposed on or entrusted to him by or under this Act, or

(d) having the control or custody of any account book or other record, fails to produce such book or record when required by any authorised officer to do so, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

\* \* \* \* \*

EXTRACTS FROM THE PHARMACY ACT, 1948  
(8 OF 1948)

**26A. (1)** \* \* \* \* \* Inspection.

(3) Any person wilfully obstructing an Inspector in the exercise of powers conferred on him by or under this Act or any rules made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.

\* \* \* \* \*

CHAPTER V  
MISCELLANEOUS

**41. (1)** If any person whose name is not for the time being entered in the register of the State falsely pretends that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both: Penalty for falsely claiming to be registered.

Provided that it shall be a defence to show that the name of the accused is entered in the register of another State and that at the time of the alleged offence under this section an application for registration in the State had been made.

\* \* \* \* \*

**42. (1)** \* \* \* \* \* Dispensing by unregistered persons.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees or with both.

\* \* \* \* \*

EXTRACTS FROM THE INDUSTRIES (DEVELOPMENT AND REGULATION)  
Act, 1951  
(65 OF 1951)

\* \* \* \* \*

**24. (1)** If any person contravenes or attempts to contravene or abets the contravention of— Penalties.

(i) the provisions of sub-section (1) or sub-section (4) of section 10 or of sub-section (1) of section 11 or of section 11A or of sub-section (1) of section 13 or of sub-sections (2), (2A), (2D), (2F) and (2G) of section 29B, or

(ii) any direction issued under section 16 or sub-section (3) of section 18B, or  
(iii) any order made under section 18G, or

(iv) any rule the contravention of which is made punishable under this section, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

\* \* \* \* \*

Penalty for false statements.

**24A.** If any person,—

(a) when required by this Act or by any order under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false or does not believe to be true; or

(b) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any order made under this Act to maintain or furnish;

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

\* \* \* \* \*

EXTRACTS FROM THE CINEMATOGRAF ACT, 1952

(37 OF 1952)

\* \* \* \* \*

Penalties for contraventions of this Part.

**7. (1)** If any person—

(a) exhibits or permits to be exhibited in any place—

(i) any film other than a film which has been certified by the board as suitable for unrestricted public exhibition or for public exhibition restricted to adults or to members of any profession or any class of persons and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,

(ii) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,

(iii) any film which has been certified by the Board as suitable for public exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or

(b) without lawful authority (the burden of proving which shall be on him), alters or tampers with in any way, any film after it has been certified, or

(c) fails to comply with the provision contained in section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder,

he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided that a person who exhibits or permits to be exhibited in any place a video film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided further that a court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months, or a fine of less than twenty thousand rupees:

Provided further that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate, or any Judicial 2 of 1974.

Magistrate of the first class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part:

Provided also that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on a film certified as "UA" under this Part.

\* \* \* \* \*

**8. (1)** \* \* \* \* \* Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

\* \* \* \* \*

(c) the manner of making an application to the Board for a certificate and the manner in which a film has to be examined by the Board and the fees to be levied therefore;

\* \* \* \* \*

**14.** If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rule made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Penalties for contraventions of this Part.

\* \* \* \* \*

EXTRACTS FROM THE TEA ACT, 1953

(29 OF 1953)

\* \* \* \* \*

**38.** Any person who—

(a) obstructs a member authorized by the Chairman in writing or an officer of the Board or a person authorised in this behalf by the Central Government or by the Board in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act, or

(b) having the control or custody of any account book or other period, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for obstructing an officer or member of the board in the discharge of his duties and for failure to produce books and records.

**39.** Whoever knowingly plants tea or causes tea to be planted on any land in contravention of section 12 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Penalty for illicit cultivation.

**40.** Where any person has been convicted of any offence under section 39, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and in the event of the order not being 22 duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were an arrear of land revenue due on the tea estate on which the offence was committed.

Removal of tea planted without permission.

**41. (1)** If any person contravenes any order made under sub-section (1) or sub-section (3) of section 30, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and the property in respect of which the order has been contravened or such part thereof as to the Court may seem fit shall be forfeited to the Central Government.

Penalty for contravention of order relating to control of price and distribution.

(2) Any person who attempts to contravene or abets the contravention of, any order under sub-section (1) or sub-section (3) of section 30 shall be deemed to have contravened that order.

Other penalties.

**42.** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 36, 37, 38, 39 and 41 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

\* \* \* \* \*

EXTRACT FROM THE COPYRIGHT ACT, 1957

(14 OF 1957)

\* \* \* \* \*

Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.

**68.** Any person who,—

(a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or

(b) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

\* \* \* \* \*

EXTRACTS FROM THE MERCHANT SHIPPING ACT, 1958

(44 OF 1958)

\* \* \* \* \*

PART XVI

PENALTIES AND PROCEDURE

*Penalties*

Penalties.

**436.** (1) \* \* \* \* \*

(2) The offences mentioned in the second column of the following table shall be punishable to the extent mentioned in the fourth column of the same with reference to such offences respectively.

Serial	Offences	Section of this Act to which offence has reference	Penalties
1	2	3	4
*	*	*	*
16.	If any person in the case of any declaration made in the presence of or produced to a registrar under Part V or in any document or other evidence produced to such registrar—	General	Imprisonment which may extend to six months, or fine which may extend to one thousand rupees, or both.

1	2	3	4
	<p>(a) willfully makes or assists in making or procures to be made, any false statement concerning the title to or ownership of or the interest existing in any ship or any share in a ship; or</p> <p>(b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false.</p>		
29.	If any owner, master or agent willfully disobeys any order under section 115.	115	Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both.
	* * *	*	* *
35.	<p>If any person—</p> <p>(a) forges or fraudulently alters any certificate of discharge or a certificate as to the work of a seaman or a continuous discharge certificate or a copy of any such certificate; or</p> <p>(b) fraudulently uses any certificate of discharge or a certificate as to the work of a seaman or a continuous discharge certificate or a copy of any such certificate which is forged or altered or does not belong to him.</p>	General	Imprisonment which may extend to six months, or fine which may extend to five hundred rupees, or both.
	* * *	*	* *
43.	If any person commits a breach of any term of any award which is binding on him under sub-section (5) of section 150.	General	Imprisonment which may extend to one month, or fine which may extend to one thousand rupees, or both.
44.	If a seaman or an owner contravenes section 151.	151	Imprisonment which may extend to six months, or fine which may extend to one thousand rupees, or both.
	* * *	*	* *
57.	<p>If a seaman or apprentice—</p> <p>(a) deserts his ship;</p>	191(I)(a)	He shall be liable to forfeit all or any part of the property he leaves on board and of the wages he has then earned and also if the desertion takes place at any place not in India, to forfeit all or any part of the wages which he may earn in any other ship in which he

1	2	3	4
			may be employed until his next return to India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him, and also to imprisonment which may extend to three months;
	(b) contravenes clause (b) of sub-section (I) of section 191.	191 (I) (b)	he shall, if the contravention does not amount to desertion, be liable to forfeit out of his wages a sum not exceeding two days pay and in addition for every twenty-four hours of absence either a sum not exceeding six days pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months
	*            *	*	*            *
59.	If a seaman or apprentice is guilty of the offence specified in—		
	*            *	*	*            *
	(iv) clauses (d) and (e) of section 194;		imprisonment which may extend to three months, or fine which may extend to five hundred rupees, or both;
60.	If any master fails to comply with section 197.	197	Imprisonment which may extend to one month, or fine which may extend to one hundred rupees, or both.
	*            *	*	*            *
65.	If any person goes to sea in a ship contrary to sub-section (I) of section 205.	205 (I)	Imprisonment which may extend to one month, or fine which may extend to two hundred rupees, or both.
66.	(a) If any person willfully disobeys the prohibition obtained in clause (a) of section 206;	206 (a)	Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both;
	*            *	*	*            *
68.	If a master contravenes sub-section (I) of section 210.	210(I)	Imprisonment which may extend to three months, or fine which may extend to one thousand rupees, or both.
	*            *	*	*            *

1	2	3	4
72.	If any person willfully destroys or mutilates or renders illegible any entry in any official log book or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log book.	General	Imprisonment which may extend to one year.
	*	*	*
84.	If the master, owner or agent of a special trade passenger or pilgrim ship, after having obtained any of the certificates mentioned in Part VIII, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, or special trade passengers or pilgrims or other matters to which the certificate relates.	General	Imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both.
	*	*	*
108B.	If an Indian nuclear ship, fails to comply with sub-section (1) of section 344D.	344D	The master or owner or agent shall be, liable to imprisonment which may extend to six months, or fine which may extend to ten thousand rupees, or both.
	*	*	*
108E.	(a) If the master of a nuclear ship fails to give the notice required by sub-section (1) or sub-section (2) or sub-section (5) of section 344G;	344G(1), (2) and (5)	Imprisonment which may extend to one year, or fine which may extend to ten thousand rupees, or both
	(b) if the master of a nuclear ship fails to comply with any directions issued under sub-section (3) or sub-section (5) of section 344G.	344G(3) and (5)	Imprisonment which may extend to one year, or fine which may extend to ten thousand rupees, or both.
109.	If a master or person in charge of a ship fails, without reasonable cause to comply with section 348.	348	Imprisonment which may extend to three months, or fine which may extend to three thousand rupees, or both.
	*	*	*

1	2	3	4
115D.	(i) *  (ii) If any person wilfully destroys or mutilates or renders illegible or prevents the making of any entry in the oil record book or makes or causes to be made a false entry in such book in contravention of any rule made under section 356F.	*  356F	*  The offender shall be liable to penalty of imprisonment which may extend to six months, or fine which may extend to ten thousand rupees, or both.
	*	*	*
133.	If any person contravenes any of the provisions of section 428.	428	Imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both.
	*	*	*
135.	If the owner or tindal fails to comply with sub-section (I) of section 430.	430(I)	Imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both.
	*	*	*
137.	If the owner fails to comply with sub-section (I) of section 434-A	434A(I)	Imprisonment which may extend to six months, or fine which may extend to five thousand rupees, or both.
	*	*	*
137J.	If any person contravenes the provisions of section 435S.	435S	The offender shall be liable to imprisonment which may extend to three months, or fine which may extend to two hundred rupees, or both.
	*	*	*

EXTRACT FROM THE DEPOSIT INSURANCE AND CREDIT  
GUARANTEE CORPORATION ACT, 1961

(47 OF 1961)

\* \* \* \* \*

**47. (1)** \* \* \* \* \* Penalties.

(2) If any person fails to produce any book, account or other document or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with a fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

\* \* \* \* \*

EXTRACT FROM THE WAREHOUSING CORPORATIONS ACT, 1962

(58 OF 1962)

\* \* \* \* \*

**38. (1)** Whoever, without the consent in writing of a Warehousing Corporation, uses the name of that Corporation in any prospectus or advertisement, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Offences.

(2) No court shall take cognizance of any offence under sub-section (1) otherwise than on a complaint in writing by an officer authorised in this behalf by the Warehousing Corporation concerned.

\* \* \* \* \*

EXTRACT FROM THE FOOD CORPORATIONS ACT, 1964

(37 OF 1964)

\* \* \* \* \*

**41. (1)** Whoever, without the consent in writing of a Food Corporation, uses its name in any prospectus or advertisement, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Offences.

(2) No court shall take cognizance of any offence under sub-section (1) except on a complaint in writing by an officer authorised in this behalf by the Food Corporation concerned.

\* \* \* \* \*

EXTRACTS FROM THE PATENTS ACT, 1970

(39 OF 1970)

\* \* \* \* \*

**120.** If any person falsely represents that any article sold by him is patented in India or is the subject of an application for a patent in India, he shall be punishable with fine which may extend to one lakh rupees. Unauthorised claim of patent rights.

*Explanation 1.*—For the purposes of this section, a person shall be deemed to represent—

(a) that an article is patented in India if there is stamped, engraved or impressed on, or otherwise applied to, the article the word "patent" or "patented" or some other word expressing or implying that a patent for the article has been obtained in India;

(b) that an article is the subject of an application for a patent in India, if there are stamped, engraved or impressed on, or otherwise applied to, the article the words "patent applied for", "patent pending", or some other words implying that an application for a patent for the article has been made in India.

*Explanation 2.*—The use of words "patent", "patented", "patent applied for", "patent pending" or other words expressing or implying that an article is patented or that a patent has been applied for shall be deemed to refer to a patent in force in India, or to a pending application for a patent in India, as the case may be unless there is an accompanying indication that the patent has been obtained or applied for in any country outside India.

Wrongful use of words "patent office".

**121.** If any person uses on his place of business or any document issued by him or otherwise the words "patent office" or any other words which would reasonably lead to the belief that his place of business is, or is officially connected with, the patent office, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Refusal or failure to supply information.

**122. (1)** If any person refuses or fails to furnish:—

(a) to the Central Government any information which he is required to furnish under sub-section (5) of section 100;

(b) to the Controller any information or statement which he is required to furnish by or under section 146,

he shall be punishable with fine which may extend to ten lakh rupees.

(2) If any person, being required to furnish any such information as is referred to in sub-section (1), furnishes information or statement which is false, and which he either knows or has reason to believe to be false or does not believe to be true, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Practice by non-registered patent agents.

**123.** If any person contravenes the provisions of section 129, he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in the case of a second or subsequent offence.

\* \* \* \* \*

EXTRACTS FROM THE MARINE PRODUCTS EXPORT DEVELOPMENT  
AUTHORITY ACT, 1972

(13 OF 1972)

\* \* \* \* \*

CHAPTER V

CONTROL BY CENTRAL GOVERNMENT

Power to prohibit or control imports and exports of marine products.

**20. (1)** \* \* \* \* \*

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. 52 of 1962.

\* \* \* \* \*

CHAPTER VI  
MISCELLANEOUS

**23.** Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees. Penalty for making false returns.

**24.** Any person who—

(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Authority authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Authority, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

Penalties for obstructing a member or officer of the Authority in the discharge of his duties and for failure to produce books and records.

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**25.** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 20, 23 and 24, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Other penalties.

\* \* \* \* \*

EXTRACT FROM THE HIGH DENOMINATION BANK NOTES  
(DEMONETISATION) ACT, 1978

(11 OF 1978)

\* \* \* \* \*

**10.** (1) If any bank fails to prepare and present within the time and in the manner provided by section 5 any return referred to in that section, or presents any return under that section which is false in any material particular, the manager or other person in charge of the bank shall, unless he proves that the failure took place, or the false return was presented, without his knowledge or that he exercised all due diligence to prevent the same, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both. Penalties.

(2) Whoever knowingly makes in any declaration under section 7 any statement which is false or only partially true or which he does not believe to be true or contravenes any provision of this Act or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) An officer of a scheduled bank who makes payment out of the amount, being the exchange value of a high denomination bank note credited under sub-section (4) of section 7 to an account maintained with such bank shall unless such account is an account which has been opened after proper introduction, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

\* \* \* \* \*

EXTRACTS FROM THE AIR (PREVENTION AND CONTROL  
OF POLLUTION) ACT, 1981

(14 OF 1981)

\* \* \* \* \*

Restrictions  
on use of  
certain  
industrial  
plants.

**21.** (1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.

47 of 1987.

\* \* \* \* \*

CHAPTER VI

PENALTIES AND PROCEDURE

Failure to  
comply with  
the provisions  
of section 21  
or section 22  
or with the  
directions  
issued under  
section 31A.

**37.** (1) Whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

Penalties for  
certain acts.

**38.** Whoever—

(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or

(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or

(c) damages any works or property belonging to the Board, or

(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or

(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23, or

(f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or

(g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular,

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both.

**39.** Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention. Penalty for contravention of certain provisions of the Act.

**40.** (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

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

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

*Explanation.*—For the purpose of this section,—

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

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

**41.** (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by Government Departments.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

\* \* \* \* \*

**43.** (1) No court shall take cognizance of any offence under this Act except on a complaint made by— Cognizance of offences.

(a) a Board or any officer authorised in this behalf by it; or

\* \* \* \* \*

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

\* \* \* \* \*

**53.** (1) The Central Government may, in consultation with the Central Board, by notification in the Official Gazette, make rules in respect of the following matters, namely:— Power of Central Government to make rules.

\* \* \* \* \*

(g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of section 36.

\* \* \* \* \*

EXTRACT FROM THE NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT ACT, 1981

(61 OF 1981)

\* \* \* \* \*

Penalties.

**56. (1)** \* \* \* \*

(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with a fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

\* \* \* \* \*

EXTRACTS FROM THE SPICES BOARD ACT, 1986

(10 OF 1986)

\* \* \* \* \*

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

**27.** Any person who—

(a) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of order relating to control of price, etc.

**28. (1)** If any person contravenes any order made under section 16, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

(2) Any person who attempts to contravene, or abets the contravention of, any order under section 16 shall be deemed to have contravened that order.

Penalties for contravention of section 11 or any order made under section 17.

**29.** If any person contravenes the provisions of section 11 or any order made under section 17 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

52 of 1962.

Other penalties.

**30.** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 26, 27, 28 and 29, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

\* \* \* \* \*

EXTRACTS FROM THE ENVIRONMENT (PROTECTION) ACT, 1986

(29 OF 1986)

\* \* \* \* \*

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

\* \* \* \* \*

(e) “environmental pollution” means the presence in the environment of any environmental pollutant;

\* \* \* \* \*

**10. (1)** \* Powers of entry and inspection.

(2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.

2 of 1974.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provision of the said law.

\* \* \* \* \*

**15. (1)** Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. Penalty for contravention of the provisions of the Act and the rules, orders and directions.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

**16. (1)** Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

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

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

*Explanation.*—For the purposes of this section,—

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

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

Offences by  
Government  
Departments.

**17.** (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

\* \* \* \* \*

Effect of  
other laws.

**24.** (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

\* \* \* \* \*

EXTRACTS FROM THE NATIONAL HOUSING BANK ACT, 1987

(53 OF 1987)

\* \* \* \* \*

Penalties.

**49.** (1) \* \* \* \* \*

(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

\* \* \* \* \*

(2B) If any auditor fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under section 33, he shall be punishable with fine which may extend to five thousand rupees.

\* \* \* \* \*

(3) If any person other than an auditor—

\* \* \* \* \*

(aa) fails to comply with any direction given or order made by the National Housing Bank or the Reserve Bank under any of the provisions of Chapter V; or

\* \* \* \* \*

(4) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act or of any order, regulation or direction made or given or condition imposed thereunder, any person guilty of such contravention or

default shall be punishable with fine which may extend to two thousand rupees and where a contravention or default is a continuing one, with further fine which may extend to one hundred rupees for every day, after the first, during which the contravention or default continues.

\* \* \* \* \*

**52A.** (1) Notwithstanding anything contained in section 49, if the contravention or default of the nature referred to in the said section is committed by a housing finance institution which is a company, the National Housing Bank or the Reserve Bank, as the case may be, may impose on such company—

Power of National Housing Bank and Reserve Bank to impose fine.

(a) a penalty not exceeding five thousand rupees; or

(b) where the contravention or default is under sub-section (2A) or clause (a) or clause (aa) of sub-section (3) of that section, a penalty not exceeding five lakh rupees or twice the amount involved in such contravention or default, where the amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, further penalty which may extend to twenty-five thousand rupees for every day, after the first, during which the contravention or default continues.

(2) For the purpose of imposing penalty under sub-section (1), the National Housing Bank or the Reserve Bank, as the case may be, shall serve a notice on the housing finance institution which is a company requiring it to show cause why the amount specified in the notice should not be imposed as a penalty and a reasonable opportunity of being heard shall also be given to such housing finance institution.

(3) Any penalty imposed by the National Housing Bank or the Reserve Bank, as the case may be, under this section shall be payable within a period of thirty days from the date on which notice issued by the National Housing Bank or the Reserve Bank, as the case may be, demanding payment of the sum is served on the housing finance institution which is a company and, in the event of failure of such housing finance institution to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office or the head office of such housing finance institution is situated:

Provided that no such direction shall be made, except on an application made by an officer of the National Housing Bank or the Reserve Bank, as the case may be, authorised in this behalf, to the principal civil court.

(4) The court which makes a direction under sub-section (3), shall issue a certificate specifying the sum payable by the housing finance institution which is a company and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.

\* \* \* \* \*

EXTRACTS FROM THE MOTOR VEHICLES ACT, 1988  
(59 OF 1988)

\* \* \* \* \*

**192A.** (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with imprisonment for a term which may extend to six months and a fine of ten thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than six months or with fine of ten thousand rupees or with both:

Using vehicle without permit.

Provided that the court may for reasons to be recorded, impose a lesser punishment.

\* \* \* \* \*

Composition of certain offences.

**200.** (1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 only to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the State Government may, in addition to such amount, require the offender to undertake a period of community service.

Road Safety Councils and Committees.

**215.** (1) \* \* \* \* \*

(3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

\* \* \* \* \*

EXTRACT FROM THE RAILWAYS ACT, 1989

(24 OF 1989)

\* \* \* \* \*

Prohibition on hawking, etc., and begging.

**144.** (1) \* \* \* \* \*

(2) If any person begs in any railway carriage or upon a railway station, he shall be liable for punishment as provided under sub-section (1).

\* \* \* \* \*

EXTRACTS FROM THE PUBLIC LIABILITY INSURANCE ACT, 1991

(6 OF 1991)

\* \* \* \* \*

Definitions.

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

\* \* \* \* \*

(ha) "Relief Fund" means the Environmental Relief Fund established under section 7A;

\* \* \* \* \*

Liability to give relief in certain cases on principle of no fault.

**3.** (1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in the Schedule for such death, injury or damage.

\* \* \* \* \*

Duty of owner to take out insurance policies.

**4.** (1) Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance whereby he is insured against liability to give relief under sub-section (1) of section 3:

Provided that any owner handling any hazardous substance immediately before the commencement of this Act shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from such commencement.

\* \* \* \* \*

(2A) No insurance policy taken out or renewed by an owner shall be for an amount less than the amount of the paid-up capital of the undertaking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

*Explanation.*—For the purposes of this sub-section, “paid-up capital” means, in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contract of insurance.

\* \* \* \* \*

**14.** (1) Whoever contravenes any of the provisions of sub-section (1) or sub-section (2) or sub-section (2A) or sub-section (2C) of section 4 or fails to comply with any direction issued under section 12, he shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years, or with fine which shall not be less than one lakh rupees, or with both.

Penalty for contravention of sub-section (1) or sub-section (2) of section 4 or failure to comply with directions under section 12.

(2) Whoever, having already been convicted of an offence under sub-section (1), is convicted for the second offence or any offence subsequent to the second offence, he shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine which shall not be less than one lakh rupees.

(3) Nothing contained in section 360 of the Code of Criminal Procedure, 1973, or in the Probation of Offenders Act, 1958, shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age.

2 of 1974.  
20 of 1958.

**15.** If any owner fails to comply with direction issued under section 9 or fails to comply with order issued under sub-section (2) of section 11, or obstructs any person in discharge of his functions under section 10 or sub-section (1) or sub-section (3) of section 11, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

Penalty for failure to comply with direction under section 9 or order under section 11 or obstructing any person in discharge of his functions under section 10 or 11.

**16.** (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

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

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

*Explanation.*—For the purposes of this section,—

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

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

Offences by Government Departments.

**17.** Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

\* \* \* \* \*

Power to make rules.

**23. (1)\*** \* \* \* \*

(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) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;

\* \* \* \* \*

**THE SCHEDULE**

[See section 3(1)]

(i) Reimbursement of medical expenses incurred up to a maximum of Rs. 12,500 in each case.

(ii) For fatal accidents the relief will be Rs. 25,000 per person in addition to reimbursement of medical expenses if any, incurred on the victim up to a maximum of Rs. 12,500.

(iii) For permanent total or permanent partial disability or other injury or sickness, the relief will be (a) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 12,500 in each case and (b) cash relief on the basis of percentage of disablement as certified by an authorised physician. The relief for total permanent disability will be Rs. 25,000.

(iv) For loss of wages due to temporary partial disability which reduces the earning capacity of the victim, there will be a fixed monthly relief not exceeding Rs. 1,000 per month up to a maximum of 3 months:

Provided the victim has been hospitalised for a period exceeding 3 days and is above 16 years of age.

(v) Up to Rs. 6,000 depending on the actual damage, for any damage to private property.

EXTRACTS FROM THE CABLE TELEVISION NETWORKS  
(REGULATION) ACT, 1995

(7 OF 1995)

\* \* \* \* \*

**CHAPTER IV**

**OFFENCES AND PENALTIES**

Punishment for contravention of provisions of this Act.

**16. (1)** Whoever contravenes any of the provisions of this Act shall be punishable,—

(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the contravention of section 4A shall be a cognizable offence under this section.

17. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

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

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

*Explanation.*—For the purposes of this section,—

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

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

18. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by any authorised officer.

Cognizance of offences.

\* \* \* \* \*

22. (1)\*

\* \* \* \* \*

Power to make rules.

(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:—

\* \* \* \* \*

(da) the specifications of interference standards for interfering with any telecommunication system under section 10;

\* \* \* \* \*

EXTRACTS FROM THE TRADE MARKS ACT, 1999

(47 OF 1999)

\* \* \* \* \*

106. If any person removes or attempts to remove or causes or attempts to cause to be removed for sale from any premises referred to in section 81 or sells or exposes for sale or has in his possession for sale or for any purpose of trade or manufacture piece goods or cotton yarn or cotton thread which is not marked as required by that section, every such piece and every such bundle of yarn and all such thread and everything used for the packing thereof shall be forfeited to Government and such person shall be punishable with fine which may extend to one thousand rupees.

Penalty for removing piece goods, etc., contrary to section 81.

107. (1)\*

\* \* \* \* \*

Penalty for falsely representing a trade mark as registered.

(2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

\* \* \* \* \*

108. If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Trade Marks Office, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for improperly describing a place of business as connected with the Trade Marks Office.

Penalty for falsification of entries in the register. **109.** If any person makes, or causes to be made, a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

\* \* \* \* \*

Power to require information of imported goods bearing false trade marks. **140. (1)** \* (3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees.

\* \* \* \* \*

Power to make rules. **157. (1)** \* (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:—

\* \* \* \* \*

(xxxiii) the form in which and the particulars to be included in the application to the High Court under sub-section (1) of section 97;

\* \* \* \* \*

EXTRACTS FROM THE GEOGRAPHICAL INDICATIONS OF GOODS  
(REGISTRATION AND PROTECTION) ACT, 1999  
(48 OF 1999)

\* \* \* \* \*

Penalty for falsely representing a geographical indication as registered. **42. (1)** \* (2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

\* \* \* \* \*

Penalty for improperly describing a place of business as connected with the Geographical Indications Registry. **43.** If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Geographical Indications Registry, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsification of entries in the register. **44.** If any person makes, or causes to be made, a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

\* \* \* \* \*

EXTRACTS FROM THE INFORMATION TECHNOLOGY ACT, 2000

(21 OF 2000)

*	*	*	*	*	
<b>2.</b>	<i>(1)</i>	In this Act, unless the context otherwise requires,—			Definitions.
*	*	*	*	*	
	<i>(e)</i>	"appropriate Government" means as respects any matter,—			
	<i>(i)</i>	enumerated in List II of the Seventh Schedule to the Constitution;			
	<i>(ii)</i>	relating to any State law enacted under List III of the Seventh Schedule to the Constitution,			
		the State Government and in any other case, the Central Government;			
*	*	*	*	*	
<b>33.</b>	<i>(1)</i> *				Surrender of licence.
	<i>(2)</i>	Where any Certifying Authority fails to surrender a licence under sub-section <i>(1)</i> , the person in whose favour a licence is issued, shall be guilty of an offence and shall be punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both.			
*	*	*	*	*	
<b>44.</b>		If any person who is required under this Act or any rules or regulations made thereunder to—			Penalty for failure to furnish information, return, etc.
	<i>(a)</i>	furnish any document, return or report to the Controller or the Certifying Authority fails to furnish the same, he shall be liable to a penalty not exceeding one lakh and fifty thousand rupees for each such failure;			
	<i>(b)</i>	file any return or furnish any information, books or other documents within the time specified therefor in the regulations fails to file return or furnish the same within the time specified therefor in the regulations, he shall be liable to a penalty not exceeding five thousand rupees for every day during which such failure continues;			
	<i>(c)</i>	maintain books of account or records, fails to maintain the same, he shall be liable to a penalty not exceeding ten thousand rupees for every day during which the failure continues.			
<b>45.</b>		Whoever contravenes any rules or regulations made under this Act, for the contravention of which no penalty has been separately provided, shall be liable to pay a compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees.			Residuary penalty.
<b>46.</b>	<i>(1)</i>	For the purpose of adjudging under this Chapter whether any person has committed a contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section <i>(3)</i> , appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government.			Power to adjudicate.
*	*	*	*	*	
<b>66A.</b>		Any person who sends, by means of a computer resource or a communication device,—			Punishment for sending offensive messages through communication service, etc.
	<i>(a)</i>	any information that is grossly offensive or has menacing character; or			
	<i>(b)</i>	any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation,			

enmity, hatred or ill will, persistently by making use of such computer resource or a communication device;

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

*Explanation.*—For the purpose of this section, terms "electronic mail" and "electronic mail message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, images, audio, video and any other electronic record, which may be transmitted with the message.

	*	*	*	*	*
Preservation and retention of information by intermediaries.	<b>67C. (1)</b> *	*	*	*	*
	(2) any intermediary who intentionally or knowingly contravenes the provisions of sub-section (1) shall be punished with an imprisonment for a term which may extend to three years and also be liable to fine.				

Power of Controller to give directions.	<b>68. (1)</b> *	*	*	*	*
	(2) Any person who intentionally or knowingly fails to comply with any order under sub-section (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both.				

	*	*	*	*	*
Power to authorise to monitor and collect traffic data or information through any computer resource for cyber security.	<b>69B. (1)</b> *	*	*	*	*
	(4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which any extend to three years and shall also be liable to fine.				

*Explanation.*—For the purposes of this section,—

(i) "computer contaminant" shall have the meaning assigned to it in section 43;

(ii) "traffic data" means any data identifying or purporting to identify any person, computer system or computer network or location to or from which the communication is or may be transmitted and includes communications origin, destination, route, time, data, size, duration or type of underlying service and any other information.

	*	*	*	*	*
Indian Computer Emergency Response Team to serve as national agency for incident response.	<b>70B. (1)</b> *	*	*	*	*
	(7) Any service provider, intermediaries, data centres, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both.				

Penalty for Breach of confidentiality and privacy.	<b>72.</b>	Save as otherwise provided in this Act or any other law for the time being in force, if any person who, in pursuance of any of the powers conferred under this Act, rules or regulations made thereunder, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information,			
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document or other material to any other person shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.

**72A.** Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

Punishment for disclosure of information in breach of lawful contract.

\* \* \* \* \*

EXTRACTS FROM THE METRO RAILWAYS  
(OPERATION AND MAINTENANCE) ACT, 2002  
(60 OF 2002)

\* \* \* \* \*

**6. (1)** \* \* \* \* \*

Powers of metro railway administration.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power to —

\* \* \* \* \*

(h) lay down or place electric supply lines for conveyance and transmission of energy and to obtain license for that purpose; and

\* \* \* \* \*

CHAPTER XI

OFFENCES AND PENALTIES

**59. (1)** \* \* \* \* \*

Drunkenness or nuisance on metro railway.

(2) If any metro railway official is in a state of intoxication while on duty, he shall be punishable with fine which may extend to two hundred and fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any passenger travelling or being upon the metro railway, with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

\* \* \* \* \*

**63.** If any passenger travels on the roof of a train or persists in travelling in any part of a train not intended for the use of passengers or projects any part of his body out of a train after being warned by any metro railway official to desist, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf.

Penalty for travelling on roof, etc., of a train.

\* \* \* \* \*

**65.** If any metro railway official, when on duty endangers the safety of any passenger,—

Endangering the safety of passengers by metro railway official.

(a) by any rash or negligent act or omission; or

(b) by disobeying any rule, regulation or order which such official was bound by the terms of his employment to obey, and of which he had notice,

he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to six thousand rupees, or with both.

\* \* \* \* \*

Travelling without proper pass or ticket or beyond authorised distance.

**69. (1)** \* \* \* \* \*

(4) If any passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on a demand being made therefor, any metro railway official authorised by the metro railway administration in this behalf may apply to any Metropolitan Magistrate for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment for a term which may extend to one month.

\* \* \* \* \*

Needlessly interfering with means of communication in a train.

**70.** If any passenger or any other person without reasonable and sufficient cause, makes use of, or interferes with, any means provided by the metro railway administration in a train for communication between passengers and metro railway official in charge of the train, or misuses alarm bell of the train, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

\* \* \* \* \*

Penalty for making a false claim for compensation.

**80.** If any person requiring compensation from the metro railway administration under Chapter X makes a claim which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

\* \* \* \* \*

Power of arrest without warrant.

**82. (1)** If a person commits any offence mentioned in sections 59, 61, 65 to 79, he may be arrested without warrant or other written authority by any metro railway official or by a police officer not below the rank of a head constable or by any other person whom such metro railway official or police officer may call to his aid:

Provided that where a person has been arrested, by any person other than the police officer, he shall be made over to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

\* \* \* \* \*

EXTRACTS FROM THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

(15 OF 2003)

\* \* \* \* \*

THE SCHEDULE

[See section 2(y)]

[PART A PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

(45 OF 1860)

\* \* \* \* \*

## PARAGRAPH 21

## OFFENCES UNDER THE TRADE MARKS ACT, 1999

(47 OF 1999)

Section	Description of offence
103	Penalty for applying false trademarks, trade descriptions, etc.
104	Penalty for selling goods or providing services to which false trademark or false trade description is applied.
105	Enhanced penalty on second or subsequent conviction.
107	Penalty for falsely representing a trademark as registered.
120	Punishment of abetment in India of acts done out of India.

## PARAGRAPH 22

## OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

(21 OF 2000)

Section	Description of offence
72	Penalty for breach of confidentiality and privacy.
75	Act to apply for offence or contravention committed outside India

\* \* \* \* \*

## PARAGRAPH 25

## OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986

(29 OF 1986)

Section	Description of offence
15 read with section 7	Penalty for discharging environmental pollutants, etc., in excess of prescribed standards.
15 read with section 8	Penalty for handling hazardous substances without complying with procedural safeguards.

\* \* \* \* \*

## PARAGRAPH 27

## OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

(14 OF 1981)

Section	Description of offence
37	Failure to comply with the provisions for operating industrial plant.

\* \* \* \* \*

## EXTRACTS FROM THE FOOD SAFETY AND STANDARDS ACT, 2006

(34 OF 2006)

\* \* \* \* \*

Punishment  
for unsafe  
food.

**59.** Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,—

(i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;

\* \* \* \* \*

Punishment  
for false  
information.

**61.** If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

\* \* \* \* \*

Punishment  
for carrying  
out a business  
without  
licence.

**63.** If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees.

\* \* \* \* \*

## EXTRACTS FROM THE GOVERNMENT SECURITIES ACT, 2006

(38 OF 2006)

\* \* \* \* \*

Contravention  
and penalties.

**30.** (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

\* \* \* \* \*

## EXTRACTS FROM THE CANTONMENTS ACT, 2006

(41 OF 2006)

\* \* \* \* \*

Blood Bank.

**156.** Subject to the provisions of any Act made in this regard and the rules and regulation made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.

\* \* \* \* \*

*Special conditions regarding essential services*

**185.** (1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty he shall be punishable with imprisonment which may extend to one month; and the conditions of service specified herein shall, invariably be mentioned in the appointment letter of the persons employed to said services.

Conditions of service of safai karamcharis and others.

\* \* \* \* \*

## CHAPTER XII

## SPRITUOUS LIQUOR AND INTOXICATING DRUGS

**285.** If within a cantonment, or within such limit sad joining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or soldier's wife or minor child without the written permission of the Officer Commanding the station, or of some person authorised by the Officer Commanding the station, to grant such permission, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Unauthorised sale of spirituous liquor or intoxicating drug.

**286.** If within a cantonment, or within any limits defined under section 285—

(a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or

(b) the wife or servant of any such person or of a soldier,

Unauthorised possession of spirituous liquor.

has in his or her possession, except on behalf of the Central Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station, to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees.

**287.** (1) Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 285 or section 286, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973 anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

\* \* \* \* \*

CHAPTER XIII

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

*General Nuisances*

Penalty for causing nuisances.

**289. (1)\*** \* \* \* \* \*

(5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.

\* \* \* \* \*

Penalty for loitering and importuning for purposes of prostitution.

**300. (1)** Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.

\* \* \* \* \*

*Powers and duties of police officers*

Arrest without warrant.

**314.** Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that—

(a) in the case of a breach of any such provisions as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 300 except—

(i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

\* \* \* \* \*

*Prosecutions*

Prosecutions.

**331.** Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of or upon information received from the Board concerned or a person authorised by the Board by a general or special order in this behalf.

Composition of offence.

**332. (1)** The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible.

\* \* \* \* \*

## SCHEDULE IV

(See section 314)

## CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

## PART A

Section	Subject
174	Making or selling of food, etc., or washing of clothes, by infected person.
289(I)(a)(i)	Drunkenness, etc

## PART B

183(I)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
259	Destroying, etc., name of street or number affixed to building.
282	Feeding animal on faith, etc. 289(I)(a)(ii) Using threatening or abusive words, etc.
289(I)(a)(iii)	Indecent exposure of person, etc.
289(I)(a)(iv)	Begging. 289(I)(a)(v) Exposing deformity, etc.
289(I)(a)(vii)	Gaming.
289(I)(a)(xii)	Destroying notice, etc.
289(I)(a)(xiii)	Displaces, damages, alters, pavements, gutter, storm water drain.
289(I)(f)	Keeping common gaming-house, etc.
289(I)(g)	Beating drum, etc.
289(I)(h)	Singing, etc., so as to disturb public peace or order.
290(6)	Setting loose, or setting on, ferocious dog.
296	Discharging fire-arms, etc., so as to cause danger.
300	Loitering or importuning for sexual immorality.
304(a)	Remaining in, or returning to, a cantonment after notice of expulsion.
*	*

## EXTRACTS FROM THE PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007

(51 OF 2007)

\* \* \* \* \*

## CHAPTER VII

## OFFENCES AND PENALTIES

26. (1) \* \* \* \* \* Penalties.

(3) If any person fails to produce any statement, information, returns or other documents, or to furnish any statement, information, returns or other documents, which under section 12 or under section 13, it is his duty to furnish or to answer any question

relating to the operation of a payment system which is required by an officer making inspection under section 14, he shall be punishable with fine which may extend to ten lakh rupees in respect of each offence and if he persists in such refusal, to a further fine which may extend to twenty-five thousand rupees for every day for which the offence continues.

\* \* \* \* \*

(6) If any provision of this Act is contravened, or if any default is made in complying with any other requirement of this Act, or of any regulation, order or direction made or given or condition imposed thereunder and in respect of which no penalty has been specified, then, the person guilty of such contravention or default, as the case may be, shall be punishable with fine which may extend to ten lakh rupees and where a contravention or default is a continuing one, with a further fine which may extend to twenty-five thousand rupees for every day, after the first during which the contravention or default continues.

\* \* \* \* \*

**30. (1)** Notwithstanding anything contained in section 26, if a contravention or default of the nature referred to in sub-section (2) or sub-section (6) of section 26, as the case may be, the Reserve Bank may impose on the person contravening or committing default a penalty not exceeding five lakh rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more, and where such contravention or default is a continuing one, a further penalty which may extend to twenty-five thousand rupees for every day after the first during which the contravention or default continues.

Power of Reserve Bank to impose fines.

\* \* \* \* \*

## EXTRACTS FROM THE COLLECTION OF STATISTICS ACT, 2008

( 7 OF 2009 )

\* \* \* \* \*

### CHAPTER VII

#### OFFENCES AND PENALTIES

**15. (1)** Whoever, fails to produce any books of account, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

Penalty for neglect or refusal to supply particulars.

\* \* \* \* \*

**16.** Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.

Penalty for making false statement.

**17.** Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for mutilation or defacement of information schedule.

**18.** Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for obstruction of employees.

**19.** Whoever—

(a) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or

(b) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof,

Penalty for other offences.

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

**20.** If any person employed in the execution of any duty or functions under this Act,—

(a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or

(b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or

(c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act,

Penalty for failure to carry out duties and functions by employees.

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

**21.** Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Penalty for impersonation of employee.

**22.** Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

General penalty.

\* \* \* \* \*

## EXTRACTS FROM THE LEGAL METROLOGY ACT, 2009

(1 OF 2010)

\* \* \* \* \*

### CHAPTER V

#### OFFENCES AND PENALTIES

**25.** Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for use of non-standard weight or measure.

\* \* \* \* \*

Penalty for manufacture or sale of non-standard weight or measure.

**27.** Every person who manufactures or causes to be manufactured or sells or offers, exposes or possesses for sale, any weight or measure which,—

(a) does not conform to the standards of weight or measure specified by or under this Act; or

(b) which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight, measure or numeration specified by or under this Act, except where he is permitted to do so under this Act,

shall be punished with a fine which may extend to twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both.

Penalty for making any transaction, deal or contract in contravention of the prescribed standards.

**28.** Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for quoting or publishing, etc., of non-standard units.

**29.** Whoever violates section 11 shall be punished with fine which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

\* \* \* \* \*

Penalty for non-production of documents, etc.

**31.** Whoever, being required by or under this Act or the rules made thereunder to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

\* \* \* \* \*

Penalty for sale or delivery of commodities, etc., by non-standard weight or measure.

**34.** Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any means other than the standard weight or measure or number, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

Penalty for rendering services by non-standard weight, measure or number.

**35.** Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight, measure or number other than the standard weight or measure, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

\* \* \* \* \*

Compounding of offences.

**48.** (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47, or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

(2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.

(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 52:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

\* \* \* \* \*

EXTRACTS FROM THE FACTORING REGULATION ACT, 2011  
(12 OF 2012)

\* \* \* \* \*

CHAPTER VI

OFFENCES AND PENALTIES

**21.** If a default is made in filing under section 19 the particulars of any transaction of assignment of receivables and realisation of receivables by a factor, such company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees for every day during which the default continues.

Penalties.

**22.** (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional fine which may extend to ten thousand rupees for every day during which the default continues.

Penalties for non-compliance of direction of Reserve Bank.

(2) For the purpose of adjudging the penalty under sub-section (1), the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such factor.

(3) Any penalty imposed by the Reserve Bank under this section shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:

Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf.

(4) The court which makes a direction under sub-section (3) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.

\* \* \* \* \*

EXTRACT FROM THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES,  
BENEFITS AND SERVICES) ACT, 2016

(18 OF 2016)

\* \* \* \* \*

**41.** Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for non-compliance with intimation requirements.

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LOK SABHA

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to amend certain enactments for decriminalising and rationalising minor offences to further enhance trust-based governance for ease of living and doing business.

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*(Shri Piyush Goyal, Minister of Commerce and Industry, Consumer Affairs, Food and Public Distribution and Textiles)*