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List of latest bills Introduced/passed in Parliament

Date: 08th July, 2019

List of latest bills Introduced or passed in Parliament					
S. No.	Bill No.	Short Title	Date of Introduction / House	Debate / Passed in House	Page No.
1.	83	The Homoeopathy Central Council (Amendment) Bill, 2019	21/06/2019 (Lok Sabha)	27/06/2019 (Lok Sabha)	3
2.	81	The Jammu and Kashmir Reservation (Amendment) Bill, 2019	24/06/2019 (Lok Sabha)	28/06/2019 (Lok Sabha)	5
3.	86	The Aadhaar and Other Laws (Amendment) Bill, 2019	24/06/2019 (Lok Sabha)	04/07/2019 (Lok Sabha)	8
4.	93	The Special Economic Zones (Amendment) Bill, 2019	24/06/2019 (Lok Sabha)	26/06/2019 (Lok Sabha)	19
5.	103	The Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019	27/06/2019 (Lok Sabha)	01/07/2019 (Lok Sabha)	21
6.	110	The Indian Medical Council (Amendment) Bill, 2019	27/06/2019 (Lok Sabha)	02/07/2019 (Lok Sabha)	26
7.	111	The Dentists (Amendment) Bill, 2019	27/06/2019 (Lok Sabha)	03/07/2019 (Lok Sabha)	29
8.	127	The New Delhi International Arbitration Centre Bill, 2019	03/07/2019 (Lok Sabha)		31

AS PASSED BY LOK SABHA ON 27.06.2019

Bill No. 83-C of 2019**THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT)
BILL, 2019**

A

BILL*further to amend the Homoeopathy Central Council Act, 1973.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

59 of 1973. 5 **1.** (1) This Act may be called the Homoeopathy Central Council (Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on the 2nd day of March, 2019.

59 of 1973. 5 **2.** In section 3A of the Homoeopathy Central Council Act, 1973, in sub-section (2), for the words "within a period of one year", the words "within a period of two years" shall be substituted. Amendment of section 3A.

Ord. 11 of 2019. **3.** (1) The Homoeopathy Central Council (Amendment) Ordinance, 2019 is hereby repealed. Repeal and savings.

10
59 of 1973. (2) Notwithstanding such repeal, anything done or any action taken under the Homoeopathy Central Council Act, 1973, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act.

LOK SABHA

A

BILL

further to amend the Homoeopathy Central Council Act, 1973.

(As passed by Lok Sabha)

AS PASSED BY LOK SABHA
ON 28.6.2019

Bill No. 81-C of 2019

THE JAMMU AND KASHMIR RESERVATION (AMENDMENT)
BILL, 2019

A

BILL

further to amend the Jammu and Kashmir Reservation Act, 2004.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir Reservation (Amendment) Act, 2019. Short title and commencement.

5 (2) It shall be deemed to have come into force on the 1st day of March, 2019.

XIV of 2004. **2.** In section 2 of the Jammu and Kashmir Reservation Act, 2004 (hereinafter referred to as the principal Act), in clause (o),— Amendment of section 2.

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

10 "(ii) the persons residing in the area adjoining Actual Line of Control and International Border; and";

(b) in second proviso, in clause (ix), in the proviso, for the words "Actual Line of Control", the words "Actual Line of Control or International Border" shall be substituted.

Amendment
of section 3.

3. In section 3 of the principal Act, in sub-section (2), for the words "Line of Actual Control", the words "Actual Line of Control or International Border" shall be substituted. 5

Repeal and
savings.

4. (1) The Jammu and Kashmir Reservation (Amendment) Ordinance, 2019 is hereby repealed. Ord. 8 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

LOK SABHA

A
BILL

further to amend the Jammu and Kashmir Reservation Act, 2004.

(As passed by Lok Sabha)

AS PASSED BY LOK SABHA
ON 04.07.2019

Bill No. 86-C of 2019

THE AADHAAR AND OTHER LAWS (AMENDMENT) BILL, 2019

A

BILL

to amend the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and further to amend the Indian Telegraph Act, 1885 and the Prevention of Money-laundering Act, 2002.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Aadhaar and Other Laws (Amendment) Act, 2019.

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 commencement of that provision.

PART II

AMENDMENTS TO THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES, BENEFITS AND SERVICES) ACT, 2016

Amendment
of Long title
of Act 18 of
2016.

2. In the long title of the Adhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (hereafter in this Part referred to as the principal Act), after the words “the Consolidated Fund of India”, the words “or the Consolidated Fund of the State” shall be inserted. 5 18 of 2016.

2A. In Section 2 of the Principal Act,— 10

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

‘(a) “Aadhaar number” means an identification number issued to an individual under sub-section (3) of section 3, and includes any alternative virtual identity generated under sub-section (4) of that section;’;

(ii) after clause (a), the following clause shall be inserted, namely:— 15

‘(aa) “Aadhaar ecosystem” includes enrolling agencies, Registrars, requesting entities, offline verification-seeking entities and any other entity or group of entities as may be specified by regulations;’;

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

‘(ba) “Adjudicating Officer” means an Adjudicating Officer appointed under sub-section (1) of section 33B; 20

‘(bb) “Appellate Tribunal” means the Appellate Tribunal referred to in sub-section (1) of section 33C;’;

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

‘(ia) “child” means a person who has not completed eighteen years of age;’; 25

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

‘(pa) “offline verification” means the process of verifying the identity of the Aadhaar number holder without authentication, through such offline modes as may be specified by regulations; 30

‘(pb) “offline verification-seeking entity” means any entity desirous of undertaking offline verification of an Aadhaar number holder;’.

Amendment
of section 3.

3. In section 3 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Aadhaar number issued to an individual under sub-section (3) shall be a twelve-digit identification number and any alternative virtual identity as an alternative to the actual Aadhaar number of an individual that shall be generated by the Authority in such manner as may be specified by regulations.”. 35

Insertion of
new section
3A.

4. After section 3 of the principal Act, the following section shall be inserted, namely:— 40

Aadhaar
number of
children.

“3A. (1) The enrolling agency shall, at the time of enrolment of a child, seek the consent of the parent or guardian of the child, and inform the parent or guardian, the details specified under sub-section (2) of section 3.

(2) A child who is an Aadhaar number holder may, within a period of six months of attaining the eighteen years of age, make an application to the Authority for cancellation of his Aadhaar number, in such manner as may be specified by regulations and the Authority shall cancel his Aadhaar number. 45

(3) Notwithstanding anything in section 7, a child shall not be denied any subsidy, benefit or service under that section in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment.”

5. In section 4 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

Amendment
of section 4.

“(3) Every Aadhaar number holder to establish his identity, may voluntarily use his Aadhaar number in physical or electronic form by way of authentication or offline verification, or in such other form as may be notified, in such manner as may be specified by regulations.

Explanation.—For the purposes of this section, voluntary use of the Aadhaar number by way of authentication means the use of such Aadhaar number only with the informed consent of the Aadhaar number holder.

(4) An entity may be allowed to perform authentication, if the Authority is satisfied that the requesting entity is—

(a) compliant with such standards of privacy and security as may be specified by regulations; and

(b)(i) permitted to offer authentication services under the provisions of any other law made by Parliament; or

(ii) seeking authentication for such purpose, as the Central Government in consultation with the Authority, and in the interest of State, may prescribe.

(5) The Authority may, by regulations, decide whether a requesting entity shall be permitted the use of the actual Aadhaar number during authentication or only an alternative virtual identity.

(6) Every requesting entity to whom an authentication request is made by an Aadhaar number holder under sub-section (3) shall inform to the Aadhaar number holder of alternate and viable means of identification and shall not deny any service to him for refusing to, or being unable to, undergo authentication.

(7) Notwithstanding anything contained in the foregoing provisions, mandatory authentication of an Aadhaar number holder for the provision of any service shall take place if such authentication is required by a law made by Parliament.”

5A. In section 7 of the principal Act, after the words “the Consolidated Fund of India”, the words “or the Consolidated Fund of State” shall be inserted.

Insertion of
new
section 5A.

6. In section 8 of the principal Act,—

Amendment
of section 8.

(a) in sub-section (2),—

(i) in clause (a), after the words “consent of an individual”, the words “, or in the case of a child obtain the consent of his parent or guardian” shall be inserted;

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

“Provided that the requesting entity shall, in case of failure to authenticate due to illness, injury or infirmity owing to old age or otherwise or any technical or other reasons, provide such alternate and viable means of identification of the individual, as may be specified by regulations.”;

(b) in sub-section (3), after the words “for authentication,”, the words “or in the case of a child, his parent or guardian” shall be inserted.

Insertion of new section 8A.	<p>7. After section 8 of the principal Act, the following section shall be inserted, namely:—</p>	
Offline verification of Aadhaar number.	<p>“8A. (1) Every offline verification of an Aadhaar number holder shall be performed in accordance with the provisions of this section.</p> <p>(2) Every offline verification-seeking entity shall,—</p> <p style="padding-left: 2em;">(a) before performing offline verification, obtain the consent of an individual, or in the case of a child, his parent or guardian, in such manner as may be specified by regulations; and</p> <p style="padding-left: 2em;">(b) ensure that the demographic information or any other information collected from the individual for offline verification is only used for the purpose of such verification.</p> <p>(3) An offline verification-seeking entity shall inform the individual undergoing offline verification, or in the case of a child, his parent or guardian the following details with respect to offline verification, in such manner as may be specified by regulations, namely:—</p> <p style="padding-left: 2em;">(a) the nature of information that may be shared upon offline verification;</p> <p style="padding-left: 2em;">(b) the uses to which the information received during offline verification may be put by the offline verification-seeking entity; and</p> <p style="padding-left: 2em;">(c) alternatives to submission of information requested for, if any.</p> <p>(4) No offline verification-seeking entity shall—</p> <p style="padding-left: 2em;">(a) subject an Aadhaar number holder to authentication;</p> <p style="padding-left: 2em;">(b) collect, use, or store an Aadhaar number or biometric information of any individual for any purpose;</p> <p style="padding-left: 2em;">(c) take any action contrary to any obligation on it as may be specified by regulations.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
Substitution of new section for section 21.	<p>8. For section 21 of the principal Act, the following section shall be substituted, namely:—</p>	
Officers and other employees of Authority.	<p>“21. (1) The Authority shall appoint such officers and employees as may be required for the discharge of its functions under this Act.</p> <p>(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Authority shall be such as may be specified by regulations.”.</p>	<p>30</p>
Insertion of new section 23A.	<p>9. After section 23 of the principal Act, the following section shall be inserted, namely:—</p>	
Power of Authority to issue directions.	<p>“23A. (1) The Authority may for the discharge of its functions under this Act, or any rules or regulations made thereunder, by order, issue such directions from time to time to any entity in the Aadhaar ecosystem, as it may consider necessary.</p> <p>(2) Every direction issued under sub-section (1) shall be complied with by the entity in the Aadhaar ecosystem to whom such direction is issued.”.</p>	<p>35</p>
Substitution of new section for section 25.	<p>10. For section 25 of the principal Act, the following section shall be substituted, namely:—</p>	
Fund.	<p>“25. (1) There shall be constituted a Fund to be called the Unique Identification Authority of India Fund and there shall be credited thereto—</p> <p style="padding-left: 2em;">(a) all grants, fees and charges received by the Authority under this Act; and</p>	

(b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

5 (a) the salaries and allowances payable to the Chairperson and members and administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority; and

(b) the expenses on objects and for purposes authorised by this Act.”.

11. In section 29 of the principal Act,—

Amendment
of section 29.

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

10 “(3) No identity information available with a requesting entity or offline verification-seeking entity shall be—

(a) used for any purpose, other than the purposes informed in writing to the individual at the time of submitting any information for authentication or offline verification; or

15 (b) disclosed for any purpose, other than purposes informed in writing to the individual at the time of submitting any information for authentication or offline verification:

Provided that the purposes under clauses (a) and (b) shall be in clear and precise language understandable to the individual.”;

20 (b) in sub-section (4), for the words “or core biometric information”, the words “,demographic information or photograph”, shall be substituted.

12. In section 33 of the principal Act,—

Amendment
of section 33.

(i) in sub-section (1),—

25 (a) for the words “District Judge”, the words “Judge of a High Court” shall be substituted;

(b) in the proviso, after the words “hearing to the Authority”, the words “and the concerned Aadhaar number holder” shall be inserted;

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

30 “Provided further that the core biometric information shall not be disclosed under this sub-section.”;

(ii) in sub-section (2), for the words “Joint Secretary”, the word “Secretary” shall be substituted.

13. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
VIA.

35 “CHAPTER VIA
CIVIL PENALTIES

40 33A. (1) Where an entity in the Aadhaar ecosystem fails to comply with the provision of this Act, the rules or regulations made thereunder or directions issued by the Authority under section 23A, or fails to furnish any information, document, or return of report required by the Authority, such entity shall be liable to a civil penalty which may extend to one crore rupees for each contravention and in case of a continuing failure, with additional penalty which may extend to ten lakh rupees for every day during which the failure continues after the first contravention.

Penalty for
failure to
comply with
provisions of
this Act, rules,
regulations
and directions.

45 (2) The amount of any penalty imposed under this section, if not paid, may be recovered as if it were an arrear of land revenue.

Power to
adjudicate.

33B. (1) For the purposes of adjudication under section 33A and imposing a penalty thereunder, the Authority shall appoint an officer of the Authority, who is not below the rank of a Joint Secretary to the Government of India and possessing such qualification and experience as may be prescribed, to be an Adjudicating Officer for holding an inquiry in such manner as may be prescribed. 5

(2) No inquiry under sub-section (1) shall be initiated except by a complaint made by the Authority.

(3) While holding an inquiry, the Adjudicating Officer shall—

(a) provide the entity in the Aadhaar ecosystem against whom complaint is made, an opportunity of being heard; 10

(b) have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the Adjudicating Officer, may be useful for or relevant to the subject matter of the inquiry.

(4) If the Adjudicating Officer, on such inquiry, is satisfied that the entity in the Aadhaar ecosystem has failed to comply with any provision of this Act or the rules or regulations made thereunder or directions issued by the Authority under section 23A, or has failed to furnish any information, document, or return of report required by the Authority, the Adjudicating Officer may, by order, impose such penalty under section 33A as he thinks fit. 15 20

Appeals to
Appellate
Tribunal.

33C. (1) The Telecom Disputes Settlement and Appellate Tribunal established under section 14 of the Telecom Regulatory Authority of India Act, 1997, shall be Appellate Tribunal for the purposes of hearing appeals against the decision of the Adjudicating Officer under this Act. 24 of 1997.

(2) A person or entity in the Aadhaar ecosystem aggrieved by an order of the Adjudicating Officer under section 33B, may prefer an appeal to the Appellate Tribunal within a period of forty-five days from the date of receipt of the order appealed against, in such form and manner and accompanied with such fee as may be prescribed: 25

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period. 30

(3) On receipt of an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against. 35

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Adjudicating Officer.

(5) Any appeal filed under sub-section (2) shall be dealt with by the Appellate Tribunal as expeditiously as possible and every endeavour shall be made by it to dispose of the appeal within six months from the date on which it is presented to it. 40

(6) The Appellate Tribunal may, for the purpose of deciding an appeal before it, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

Procedure and
powers of the
Appellate
Tribunal.

33D. The provisions of sections 14-I to 14K (both inclusive), 16 and 17 of the Telecom Regulatory Authority of India Act, 1997 shall, *mutatis mutandis*, apply to the Appellate Tribunal in the discharge of its functions under this Act, as they apply to it in the discharge of its functions under that Act. 45 24 of 1997.

5 of 1908.	33E. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law for the time being in force, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on any substantial question of law arising out of such order.	Appeal to Supreme Court of India.
5	(2) No appeal shall lie against any decision or order made by the Appellate Tribunal which the parties have consented to.	
	(3) Every appeal under this section shall be preferred within a period of forty-five days from the date of the decision or order appealed against:	
10	Provided that the Supreme Court may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.	
15	33F. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer appointed under this Act or the Appellate 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.”.	Civil court not to have jurisdiction.
	14. In section 38 of the principal Act, for the words “three years”, the words “ten years” shall be substituted.	Amendment of section 38.
20	15. In section 39 of the principal Act, for the words “three years”, the words “ten years” shall be substituted.	Amendment of section 39.
	16. For section 40 of the principal Act, the following section shall be substituted, namely:—	Substitution of new section for section 40.
	“40. Whoever,—	Penalty for unauthorised use by requesting entity or offline verification-seeking entity.
25	(a) being a requesting entity, uses the identity information of an individual in contravention of sub-section (2) of section 8; or	
	(b) being an offline verification-seeking entity, uses the identity information of an individual in contravention of sub-section (2) of section 8A,	
30	shall be punishable with imprisonment which may extend to three years 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.”.	
	17. In section 42 of the principal Act, for the words “one year”, the words “three years” shall be substituted.	Amendment of section 42.
	18. In section 47 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—	Amendment of section 47.
35	“Provided that the court may, on a complaint made by an Aadhaar number holder or individual take cognizance of any offence punishable under section 34 or 35 or 36 or 37 or 40 or section 41.”.	
	19. After section 50 of the principal Act, the following section shall be inserted, namely:—	Insertion of new section 50A.
43 of 1961. 40	“50A. Notwithstanding anything contained in the Income-tax Act, 1961 or any other enactment for the time being in force relating to tax on income, profits or gains, the Authority shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains.”.	Exemption from tax on income.
45	20. In section 51 of the principal Act, for the words “Member, officer”, the words “Member or officer” shall be substituted.	Amendment of section 51.

Amendment
of section 53.

21. In section 53 of the principal Act, in sub-section (2),—

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

“(aa) the purpose for which the requesting entity may be allowed by the Authority to perform authentication under sub-clause (ii) of clause (b) of sub-section (4) of section 4;”;

5

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

“(ga) the qualification and experience of, and the manner of appointment of, the Adjudicating Officer under sub-section (1) of section 33B;

(gb) the form, manner, and fee for an appeal to be filed under sub-section (2) of section 33C;”.

10

Amendment
of section 54.

22. In section 54 of the principal Act, in sub-section (2),—

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

“(a) the entities or group of entities in the Aadhaar ecosystem under clause (aa), the biometric information under clause (g) and the demographic information under clause (k), the process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (m), and the modes of offline verification of Aadhaar number holder under clause (pa) of section 2;”;

15

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

“(ba) the manner of generating an alternative virtual identity under sub-section (4) of section 3;

20

(bb) the manner in which cancellation of an Aadhaar number may be carried out under sub-section (2) of section 3A;”;

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

“(ca) standards of privacy and security to be complied with by the requesting entities under sub-section (4) of section 4;

25

(cb) the classification of requesting entities under sub-section (5) of section 4;”;

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

“(fa) the alternate and viable means of identification of individual under the proviso to clause (b) of sub-section (2) of section 8;

30

(fb) the manner of obtaining consent under clause (a) of sub-section (2), the manner of providing information to the individual undergoing offline verification under sub-section (3), and the obligations of offline verification-seeking entities under clause (c) of sub-section (4) of section 8A;”.

35

Omission of
section 57.

23. Section 57 of the principal Act shall be omitted.

PART III

AMENDMENT TO THE INDIAN TELEGRAPH ACT, 1885

Amendment
of section 4 of
Act 13 of
1885.

24. In section 4 of the Indian Telegraph Act, 1885, after sub-section (2), the following sub-sections shall be inserted, namely:—

40

‘(3) Any person who is granted a license under the first proviso to sub-section (1) to establish, maintain or work a telegraph within any part of India, shall identify any person to whom it provides its services by—

18 of 2016. (a) authentication under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016; or

18 of 2016. (b) offline verification under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016; or

15 of 1967. 5 (c) use of passport issued under section 4 of the Passports Act, 1967; or

(d) use of any other officially valid document or modes of identification as may be notified by the Central Government in this behalf.

10 (4) If any person who is granted a license under the first proviso to sub-section (1) to establish, maintain or work a telegraph within any part of India is using authentication under clause (a) of sub-section (3) to identify any person to whom it provides its services, it shall make the other modes of identification under clauses (b) to (d) of sub-section (3) also available to such person.

15 (5) The use of modes of identification under sub-section (3) shall be a voluntary choice of the person who is sought to be identified and no person shall be denied any service for not having an Aadhaar number.

(6) If, for identification of a person, authentication under clause (a) of sub-section (3) is used, neither his core biometric information nor the Aadhaar number of the person shall be stored.

20 (7) Nothing contained in sub-sections (3), (4) and (5) shall prevent the Central Government from specifying further safeguards and conditions for compliance by any person who is granted a license under the first proviso to sub-section (1) in respect of identification of person to whom it provides its services.

18 of 2016. 25 *Explanation.*—The expressions “Aadhaar number” and “core biometric information” shall have the same meanings as are respectively assigned to them in clauses (a) and (j) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.’

PART IV

AMENDMENTS TO THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

15 of 2002. 30 **25.** In Chapter IV of the Prevention of Money-laundering Act, 2002 (hereafter in this Part, referred to as the principal Act), before section 12, the following section shall be inserted, namely:—

Insertion of new section 11A.

‘11A. (1) Every reporting entity shall verify the identity of its clients and the beneficial owner, by—

Verification of identity by reporting entity.

18 of 2016. 35 (a) authentication under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 if the reporting entity is a banking company; or

18 of 2016. (b) offline verification under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016; or

15 of 1967. (c) use of passport issued under section 4 of the Passports Act, 1967; or

40 (d) use of any other officially valid document or modes of identification as may be notified by the Central Government in this behalf:

18 of 2016. 45 Provided that the Central Government may, if satisfied that a reporting entity other than banking company, complies with such standards of privacy and security under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, and it is necessary and expedient to do so, by notification, permit such entity to perform authentication under clause (a):

Provided further that no notification under the first proviso shall be issued without consultation with the Unique Identification Authority of India established under sub-section (1) of section 11 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and the appropriate regulator. 18 of 2016.

(2) If any reporting entity performs authentication under clause (a) of sub-section (1), to verify the identity of its client or the beneficial owner it shall make the other modes of identification under clauses (b), (c) and (d) of sub-section (1) also available to such client or the beneficial owner. 5

(3) The use of modes of identification under sub-section (1) shall be a voluntary choice of every client or beneficial owner who is sought to be identified and no client or beneficial owner shall be denied services for not having an Aadhaar number. 10

(4) If, for identification of a client or beneficial owner, authentication or offline verification under clause (a) or clause (b) of sub-section (1) is used, neither his core biometric information nor his Aadhaar number shall be stored.

(5) Nothing in this section shall prevent the Central Government from notifying additional safeguards on any reporting entity in respect of verification of the identity of its client or beneficial owner. 15

Explanation.—The expressions “Aadhaar number” and “core biometric information” shall have the same meanings as are respectively assigned to them in clauses (a) and (j) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.’. 20
18 of 2016.

Amendment of section 12. **26.** In section 12 of the principal Act, in sub-section (1), clauses (c) and (d) shall be omitted.

Amendment of section 73. **27.** In section 73 of the principal Act, in sub-section (2), clauses (j) and (jj) shall be omitted. 25

Repeal and savings. **28.** (1) The Aadhaar and Other Laws (Amendment) Ordinance, 2019 is hereby repealed. Ord. 9 of 2019.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

LOK SABHA

A
BILL

to amend the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and further to amend the Indian Telegraph Act, 1885 and the Prevention of Money-laundering Act, 2002.

(As passed by Lok Sabha)

AS PASSED BY LOK SABHA
ON 26.6.2019

Bill No. 93-C of 2019

THE SPECIAL ECONOMIC ZONES (AMENDMENT) BILL, 2019

A

BILL

to amend the Special Economic Zones Act, 2005.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

- | | | |
|------------------|--|-------------------------------|
| | 1. (1) This Act may be called the Special Economic Zones (Amendment) Act, 2019. | Short title and commencement. |
| | (2) It shall be deemed to have come into force on the 2nd day of March, 2019. | |
| 28 of 2005. | 2. In section 2 of the Special Economic Zones Act, 2005, in clause (v),— | Amendment of section 2. |
| 5 | (i) after the words "local authority", the words ",trust or any entity as may be notified by the Central Government" shall be inserted; | |
| | (ii) for the words "authority or company", the words "authority, company, trust or entity" shall be substituted. | |
| Ord. 12 of 2019. | 3. (1) The Special Economic Zones (Amendment) Ordinance, 2019 is hereby repealed. | Repeal and savings. |
| 10 | (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act. | |

LOK SABHA

A

BILL

to amend the Special Economic Zones Act, 2005.

(As passed by Lok Sabha)

AS PASSED BY LOK SABHA
ON 01.07.2019

Bill No. 103-C of 2019

**THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN
TEACHERS' CADRE) BILL, 2019**

A

BILL

to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes, the socially and educationally backward classes and the economically weaker sections, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 7th day of March, 2019.

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

(a) "appropriate authority" means the University Grants Commission established under the University Grants Commission Act, 1956, or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Educational Institution;

(b) "branch of study" means a branch of study leading to three principal levels of qualifications at bachelors (under graduate), masters (post graduate) and doctoral levels;

(c) "Central Educational Institution" means—

(i) a University established or incorporated by or under a Central Act; 5

(ii) an institution of national importance established by an Act of Parliament;

(iii) an institution, declared as an institution deemed to be University under section 3 of the University Grants Commission Act, 1956, and maintained by or receiving aid from the Central Government; 3 of 1956. 10

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in sub-clause (i) or sub-clause (ii), or a constituent unit of an institution referred to in sub-clause (iii); and

(v) an educational institution established by the Central Government under the Societies Registration Act, 1860; 15 21 of 1860.

(d) "direct recruitment" means the process of appointing faculty by inviting applications against public advertisement from persons eligible to teach in a Central Educational Institution;

(e) "economically weaker sections" means such weaker sections as are referred to in *Explanation* to clause (6) of article 15 of the Constitution; 20

(f) "faculty" means the faculty of a Central Educational Institution;

(g) "Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004; 25 2 of 2005.

(h) "sanctioned strength" means the number of posts in teachers' cadre approved by the appropriate authority;

(i) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution; 30

(j) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(k) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A of the Constitution; 35

(l) "teachers' cadre" means a class of all the teachers of a Central Educational Institution, regardless of the branch of study or faculty, who are remunerated at the same grade of pay, excluding any allowance or bonus.

Reservation of posts in recruitments by Central Educational Institutions.

3. (1) Notwithstanding anything in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in a Central Educational Institution to the extent and in the manner as may be specified by the Central Government by notification in the Official Gazette. 40

(2) For the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit.

Act not to apply in certain cases.

4. (1) The provisions of section 3 shall not apply to— 45

(a) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act;

(b) a Minority Educational Institution.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule referred to in clause (a) of sub-section (1) from time to time.

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

Laying of notifications before Parliament.

6. (1) The Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 is hereby repealed.

Repeal and savings.

Ord. 13 of 2019.

15 (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

THE SCHEDULE

[See section 4(I)(a)]

Sl. No.	Name of the Institution of Excellence, etc.
(1)	(2)
1.	Homi Bhabha National Institute, Mumbai and its constituent units, namely:— <ul style="list-style-type: none"> (i) Bhabha Atomic Research Centre, Trombay; (ii) Indira Gandhi Centre for Atomic Research, Kalpakkam; (iii) Raja Ramanna Centre for Advanced Technology, Indore; (iv) Institute for Plasma Research, Gandhinagar; (v) Variable Energy Cyclotron Centre, Kolkata; (vi) Saha Institute of Nuclear Physics, Kolkata; (vii) Institute of Physics, Bhubaneswar; (viii) Institute of Mathematical Sciences, Chennai; (ix) Harish-Chandra Research Institute, Allahabad; (x) Tata Memorial Centre, Mumbai.
2.	Tata Institute of Fundamental Research, Mumbai.
3.	North-Eastern Indira Gandhi Regional Institute of Health and Medical Science, Shillong.
4.	National Brain Research Centre, Manesar, Gurgaon.
5.	Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore.
6.	Physical Research Laboratory, Ahmedabad.
7.	Space Physics Laboratory, Thiruvananthapuram.
8.	Indian Institute of Remote Sensing, Dehradun.

LOK SABHA

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BILL

to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes, the socially and educationally backward classes and the economically weaker sections, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

(As passed by Lok Sabha)

AS PASSED BY LOK SABHA
ON 02.07.2019

Bill No. 110-C of 2019

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL, 2019

A

BILL

further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (I) This Act may be called the Indian Medical Council (Amendment) Act, 2019.

Short title and
commencement.

(2) (A) The provisions of this Act shall, except sub-clause (i) of clause (c) of section 2,
5 be deemed to have come into force on the 26th day of September, 2018; and

(B) sub-clause (i) of clause (c) of section 2 shall be deemed to have come into force on
the 12th day of January, 2019.

102 of 1956.

2. In section 3A of the Indian Medical Council Act, 1956,—

Amendment
of section 3A.

32 of 2010. 10

(a) in sub-section (I), for the words, brackets and figures "Indian Medical Council
(Amendment) Act, 2010", the words, brackets and figures "Indian Medical Council
(Amendment) Act, 2019" shall be substituted;

(b) in sub-section (2), for the words "three years", the words "two years" shall be substituted;

(c) in sub-section (4),—

(i) for the words "seven persons", the words "twelve persons" shall be substituted;

5

(ii) for the words "and medical education", the words "and medical education or proven administrative capacity and experience" shall be substituted;

(d) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) The Board of Governors shall be assisted by a Secretary General who shall be appointed by the Central Government on deputation or contract basis and he shall be the head of the secretariat in the Council."

10

Repeal and savings.

3. (1) The Indian Medical Council (Amendment) Second Ordinance, 2019 is hereby repealed.

Ord. 5 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

15

102 of 1956.

LOK SABHA

A

BILL

further to amend the Indian Medical Council Act, 1956.

(As passed by Lok Sabha)

AS PASSED BY LOK SABHA
ON 03.07.2019

Bill No. 111-C of 2019

THE DENTISTS (AMENDMENT) BILL, 2019

A

BILL

further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

- | | | |
|-------------|---|-------------------------------|
| | 1. (1) This Act may be called the Dentists (Amendment) Act, 2019. | 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. | |
| 16 of 1948. | 2. In section 3 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in clause (f), the words and letter "and at least two shall be dentists registered in Part B of a State register" shall be omitted. | Amendment of section 3. |
| | 3. In section 21 of the principal Act, clause (b) shall be omitted. | Amendment of section 21. |
| 10 | 4. In section 23 of the principal Act, clause (b) shall be omitted. | Amendment of section 23. |

LOK SABHA

A
BILL

further to amend the Dentists Act, 1948.

(As passed by Lok Sabha)

AS INTRODUCED IN LOK SABHA

Bill No. 127 of 2019

THE NEW DELHI INTERNATIONAL ARBITRATION
CENTRE BILL, 2019

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title and commencement.
2. Definitions.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF NEW DELHI INTERNATIONAL ARBITRATION CENTRE

3. Establishment and incorporation of New Delhi International Arbitration Centre.
4. Declaration of New Delhi International Arbitration Centre as an institution of national importance.
5. Composition of Centre.
6. Terms and conditions, etc., of Chairperson and Members.

CHAPTER III

ACQUISITION AND TRANSFER OF UNDERTAKINGS OF SOCIETY

7. Transfer and vesting.
8. General effect of vesting.
9. Liability prior to specified date.
10. Power of Central Government to direct vesting of undertaking in Centre.
11. Management, etc., of undertakings.
12. Duties of persons in charge of management of undertakings to deliver all assets.
13. Certain powers of Central Government or Centre.
14. Objects of Centre.
15. Functions of Centre.
16. Vacancies, etc., not to invalidate proceedings of Centre.
17. Resignation of Members.
18. Removal of Members.
19. Committees of Centre.
20. Meetings of Centre.
21. Chief Executive Officer.
22. Delegation of powers.
23. Secretariat.

(ii)

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

CLAUSES

24. Grants by Central Government.
25. Fund of Centre.
26. Accounts and audit.
27. Assessment of assets and liabilities of undertaking.

CHAPTER V

CHAMBER OF ARBITRATION AND ARBITRATION ACADEMY

28. Chamber of Arbitration.
29. Arbitration Academy.

CHAPTER VI

MISCELLANEOUS

30. Power to make rules.
31. Power to make regulations.
32. Laying of rules and regulations.
33. Protection of action taken in good faith.
34. Power to remove difficulty.
35. Repeal and savings.

AS INTRODUCED IN LOK SABHA

Bill No. 127 of 2019**THE NEW DELHI INTERNATIONAL ARBITRATION CENTRE
BILL, 2019**

A

BILL

to provide for the establishment and incorporation of the New Delhi International Arbitration Centre for the purpose of creating an independent and autonomous regime for institutionalised arbitration and for acquisition and transfer of the undertakings of the International Centre for Alternative Dispute Resolution and to vest such undertakings in the New Delhi International Arbitration Centre for the better management of arbitration so as to make it a hub for institutional arbitration and to declare the New Delhi International Arbitration Centre to be an institution of national importance and for matters connected therewith or incidental thereto.

WHEREAS dispute resolution process has a huge impact on the Indian economy and global perception on doing business in our country and it has become necessary to inspire confidence and credibility among the litigants of commercial disputes;

AND WHEREAS rapidly changing economic activity demands expeditious settlement of disputes and creation and establishment of institutional arbitration;

AND WHEREAS the International Centre for Alternative Dispute Resolution was set up in the year 1995, under the aegis of the Central Government and registered under the Societies

Registration Act, 1860, with the objective of promoting alternative dispute resolution mechanism and providing facilities for the same; 21 of 1860.

AND WHEREAS the International Centre for Alternative Dispute Resolution has received land and substantial funding by way of grants and other benefits from the Central Government for constructing infrastructure and making other facilities;

AND WHEREAS the International Centre for Alternative Dispute Resolution has not been able to actively engage and embrace developments in the arbitration ecosystem and to create a reputation par excellence keeping pace with the dynamic nature of arbitration over more than two decades;

AND WHEREAS studies conducted by the High Level Committee appointed by the Central Government indicate that the International Centre for Alternative Dispute Resolution has failed to address the growing needs of the institutional arbitration and also to bear optimum caseload and to become better choice to the parties for arbitration;

AND WHEREAS it has become expedient to take over the undertakings of the International Centre for Alternative Dispute Resolution including its regional offices without interfering with its activities and without adversely affecting its character as a Society but to utilise its existing infrastructure and other facilities which have been set up by using the public funds provided by the Government and to incorporate a robust institution for domestic and international arbitration to be known as the New Delhi International Arbitration Centre;

AND WHEREAS it is considered necessary to declare the New Delhi International Arbitration Centre as an institution of national importance for its overall development as a major arbitration hub by promoting quick and efficient dispute resolution mechanism.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the New Delhi International Arbitration Centre Act, 2019.
(2) It shall be deemed to have come into force on the 2nd March, 2019. 5

Definitions.

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

(a) “Centre” means the New Delhi International Arbitration Centre established and incorporated under section 3;

(b) “Chairperson” means the Chairperson of the Centre referred to in clause (a) of section 5; 10

(c) “Chief Executive Officer” means the Chief Executive Officer appointed under section 21;

(d) “Committee” means the relevant Committee of the Centre referred to in section 19;

(e) “Custodian” means the person who is appointed as Custodian under sub-section (2) of section 11 in respect of the undertakings; 15

(f) “Fund” means the Fund of the Centre to be maintained under section 25;

(g) “Member” means Full-time or Part-time Member of the Centre and includes the Chairperson;

(h) “notification” means a notification published in the Official Gazette; 20

(i) “prescribed” means prescribed by rules made by the Central Government under this Act;

(j) “regulations” means the regulations made by the Centre under this Act;

21 of 1860. (k) “Society” means the International Centre for Alternative Dispute Resolution, registered as such under the Societies Registration Act, 1860, and having its registered office at New Delhi;

5 (l) “specified date” means the date as may be specified by the Central Government by notification;

(m) “undertakings” means the undertakings of the Society which vests with the Central Government under section 7.

26 of 1996. (2) All other words and expressions used herein but not defined and defined in the Arbitration and Conciliation Act, 1996, shall have the same meanings as assigned to them in that Act.
10

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF NEW DELHI INTERNATIONAL ARBITRATION CENTRE

15 **3.** (1) The Central Government shall, by notification, establish a body to be called the New Delhi International Arbitration Centre for the purposes of exercising the powers and discharging the functions under this Act.

Establishment and incorporation of New Delhi International Arbitration Centre.

(2) The Centre 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 enter into contract, and shall, by the said name, sue or be sued.

20 **4.** (1) Whereas, the objects of the New Delhi International Arbitration Centre are such as to make it as an institution of national importance, it is hereby declared that the New Delhi International Arbitration Centre is an institution of national importance.

Declaration of New Delhi International Arbitration Centre as an institution of national importance.

(2) The head office of the Centre shall be at New Delhi and it may with the previous approval of the Central Government, establish branches at other places in India and abroad.

25 **5.** The Centre shall consist of the following Members, namely:—

Composition of Centre.

(a) a person, who has been a Judge of the Supreme Court or a Judge of a High Court or an eminent person, having special knowledge and experience in the conduct or administration of arbitration, law or management, appointed by the Central Government in consultation with the Chief Justice of India—Chairperson;

30 (b) two eminent persons having substantial knowledge and experience in institutional arbitration, both domestic and international, appointed by the Central Government—Full-time Members or Part-time Members;

(c) one representative of a recognised body of commerce and industry, chosen on rotational basis by the Central Government—Part-time Member;

35 (d) Secretary, Department of Legal Affairs, Ministry of Law and Justice or his representative, not below the rank of the Joint Secretary—Member, *ex officio*;

(e) one Financial Adviser nominated by the Department of Expenditure, Ministry of Finance—Member, *ex officio*; and

(f) Chief Executive Officer—Member, *ex officio*.

40 **6.** (1) The Chairperson and Members shall hold office for a term of three years from the date on which they enter upon their office and shall be eligible for re-appointment:

Terms and conditions, etc., of Chairperson and Members.

Provided that no Chairperson or Member shall hold office as such after he has attained the age of seventy years in the case of Chairperson and sixty-seven years in the case of a Member.

45 (2) **The terms and conditions, salary and allowances payable to the Chairperson and Full-time Member shall be such as may be prescribed.**

(3) The term of office of a Member appointed to fill a casual vacancy shall be for the remainder of the term of the Member in whose place he has been appointed.

(4) The Part-time Member shall be entitled to such travelling and other allowances as may be prescribed.

CHAPTER III

5

ACQUISITION AND TRANSFER OF UNDERTAKINGS OF SOCIETY

Transfer and vesting.

7. On and from the specified date, so much of the undertakings of the Society as form part of, or are relatable to the Society, and the right, title and interest of the Society in relation to such undertakings, shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

10

General effect of vesting.

8. (1) The undertakings vested under section 7 shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges, and all property (movable and immovable), including lands, buildings, works, projects, instruments, automobiles and other vehicles, cash balances, funds, including reserve funds, investments and book debts of the Society as form part of, or are relatable to, the Society and all other rights and interest arising out of such properties as were immediately before the commencement of the New Delhi International Arbitration Centre Ordinance, 2019 in the ownership, possession, power or control of the Society, and all books of account, registers and all other documents of whatever nature relating thereto.

15

Ord. 10 of 2019.

(2) All properties and assets as aforesaid which have vested in the Central Government under section 7 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, *lien* and all other encumbrances affecting them or of any attachment, injunction, decree or order of any court or other authority restricting the use of such properties or assets in any manner or appointing any receiver in respect of the whole or any part of such properties or assets shall be deemed to have been withdrawn.

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(3) Any licence or other instrument granted to the Society in relation to any undertaking which has vested in the Central Government under section 7 at any time before the specified date and in force immediately before the specified date, shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purpose of such undertaking or where the undertaking is directed under section 10, to vest in the Centre, the Centre shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to the Centre and the Centre shall hold it for the remainder of the period which the Society would have held it under the terms thereof.

30

(4) If, on the specified date, any suit, appeal or other proceeding, of whatever nature, in relation to any property or asset which has vested in the Central Government under section 7, instituted or preferred by or against the Society is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the Society of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government or where the undertakings of the Society are directed under section 10, to vest in the Centre, by or against the Centre.

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Liability prior to specified date.

9. Every liability in relation to any undertaking in respect of any period prior to the specified date, shall be enforceable against the Society and not against the Central Government.

Power of Central Government to direct vesting of undertaking in Centre.

10. (1) Notwithstanding anything contained in sections 7 and 8, the Central Government shall, as soon as may be after the specified date, direct by notification, that the undertakings and the right, title and interest of the Society in relation to such undertakings which had vested in the Central Government under section 7, shall, vest in the Centre either on the date of publication of the notification or on such earlier or later date as may be specified in the notification.

45

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(2) Where the right, title and interest of the Society in relation to the undertakings vest, under sub-section (1), in the Centre, the Centre shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings and the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become, the rights and liabilities, respectively, of the Centre.

11. (1) The general superintendence, direction, control and management of affairs of the undertakings, the right, the interest in relation to which have vested in the Central Government under section 7, shall—

Management, etc., of undertakings.

(a) where a direction has been made by the Central Government under sub-section (1) of section 10, vest in the Centre; or

(b) where no such direction has been made by the Central Government, vest in the Custodian appointed by the Central Government under sub-section (2),

and, thereupon, the Centre or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Society, is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint any person as the Custodian of the undertakings in relation to which no direction has been made by it under sub-section (1) of section 10.

(3) The Custodian so appointed shall receive such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

12. (1) On the vesting of the management of the undertakings in the Centre or on the appointment of a Custodian under sub-section (2) of section 11, all persons in charge of management of the undertakings immediately before such vesting or appointment shall be bound to deliver to the Centre or Custodian, as the case may be, all assets, books of account, registers and other documents in their custody relating to the undertakings.

Duties of persons in charge of management of undertakings to deliver all assets.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Custodian as to the powers and duties of the Custodian and such Custodian may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertaking shall be conducted or in relation to any other matter arising in the course of such management.

(3) Any person who on the specified date, has in his possession or under his control, any books, documents or other papers relating to the undertakings shall be liable to account for the said books, documents or other papers to the Central Government or the Custodian or the Centre, as the case may be, and shall deliver them to the Central Government or the Custodian or the Centre or to such person or body of persons as the Central Government or the Centre may specify in this behalf.

(4) The Central Government or the Centre may take or cause to be taken, all necessary steps for securing possession of all undertakings which have vested in the Central Government or the Centre under this Act.

(5) The Society shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the commencement of the New Delhi International Arbitration Centre Ordinance, 2019 pertaining to the undertaking and for this purpose, the Central Government or Custodian or the Centre shall afford to the Society, or body all reasonable facilities.

Ord. 10 of 2019.

13. The Central Government or the Custodian or the Centre shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Society in relation to its undertakings which have vested in the Central Government or Custodian or the Centre, as the case may be, and realised after the commencement of the New Delhi

Certain powers of Central Government or Centre.

International Arbitration Centre Ordinance, 2019, notwithstanding that the realisation pertains to a period prior to the commencement of the New Delhi International Arbitration Centre Ordinance, 2019. Ord. 10 of 2019.

Objects of Centre.

14. The objects of the Centre shall be,—

(a) to bring targeted reforms to develop itself as a flagship institution for conducting international and domestic arbitration; 5

(b) to promote research and study, providing teaching and training, and organising conferences and seminars in arbitration, conciliation, mediation and other alternative dispute resolution matters;

(c) to provide facilities and administrative assistance for conciliation, mediation and arbitral proceedings; 10

(d) to maintain panels of accredited arbitrators, conciliators and mediators both at national and international level or specialists such as surveyors and investigators;

(e) to collaborate with other national and international institutions and organisations for ensuring credibility of the Centre as a specialised institution in arbitration and conciliation; 15

(f) to set up facilities in India and abroad to promote the activities of the Centre;

(g) to lay down parameters for different modes of alternative dispute resolution mechanisms being adopted by the Centre; and

(h) such other objectives as it may deem fit with the approval of the Central Government. 20

Functions of Centre.

15. Without prejudice to the provisions contained in section 14, the Centre shall strive,—

(a) to facilitate for conducting international and domestic arbitration and conciliation in the most professional manner; 25

(b) to provide cost effective and timely services for the conduct of arbitration and conciliation at national and international level;

(c) to promote studies in the field of alternative dispute resolution and related matters, and to promote reforms in the system of settlement of disputes;

(d) to undertake teaching and to provide for diffusion of knowledge of law and procedures on alternative dispute resolution and related matters and to award certificates and other academic or professional distinction; 30

(e) to impart training in alternative dispute resolution and related matters to those who are handling arbitration, conciliation and mediation;

(f) to co-operate with other societies, institutions and organisations, national or international for promoting alternative dispute resolution; and 35

(g) to perform such other functions as may be entrusted to it by the Central Government for promoting alternative dispute resolution.

Vacancies, etc., not to invalidate proceedings of Centre.

16. No act or proceedings of the Centre shall be invalid merely by reason of,—

(a) any vacancy or any defect in the constitution of the Centre; or 40

(b) any defect in the appointment of a person acting as a Member of the Centre; or

(c) any irregularity in the procedure of the Centre not affecting the merits of the case.

17. The Chairperson or the Full-time Member or Part-time Member may, by notice in writing, under his hand addressed to the Central Government, resign his office: Resignation of Members.

5 Provided that the Chairperson or the Full-time 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 the earlier.

18. (1) The Central Government may, remove a Member from his office if he,— Removal of Members.

(a) is an undischarged insolvent; or

10 (b) has engaged at any time (except Part-time Member), during his term of office, in any paid employment; or

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

15 (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

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

(f) has become physically or mentally incapable of acting as a Member.

20 (2) Notwithstanding anything contained in sub-section (1), no Member shall be removed from his office on the grounds specified in clauses (d) and (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry, held by it in accordance with such procedure as may be prescribed in this behalf by the Supreme Court, reported that the Member, ought on such ground or grounds to be removed.

25 19. (1) The Centre may constitute such Committees as may be considered necessary to administer various aspects of its functions. Committees of Centre.

(2) The composition and functions of the Committees referred to in sub-section (1) shall be such as may be prescribed.

30 (3) The Committee shall meet at such time and at such places and shall observe such rules of procedure in regard to the transaction of business at its meetings including the quorum as may be specified by the regulations.

20. (1) The Chairperson shall ordinarily preside at the meetings of the Centre: Meetings of Centre.

Provided that, in his absence, the Member chosen by the other Members present amongst themselves shall preside at the meetings.

35 (2) It shall be the duty of the Chairperson to ensure that the decisions taken by the Centre are implemented.

(3) The Chairperson shall exercise such other powers and perform such other duties as are assigned to him under this Act.

40 (4) The Centre shall meet at least four times a year and follow such procedure in its meetings including quorum at such meetings in such manner as may be specified by the regulations.

(5) All questions which come up before any meeting of the Centre shall be—

45 (a) decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a casting vote;

(b) dealt with as expeditiously as possible and the Centre shall dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the Centre shall record its reasons in writing for not disposing of the application within that period. 5

(6) The Chairperson may invite any expert, not being a Member, to attend the meetings of the Centre, but such invitee shall not be entitled to vote at the meeting.

Chief
Executive
Officer.

21. (1) There shall be a Chief Executive Officer of the Centre who shall be responsible for day-to-day administration of the Centre and for this purpose, he shall maintain liaison with the Centre and the Secretariat. 10

(2) The appointment, qualifications and the terms and conditions of services of the Chief Executive Officer shall be such as may be specified by the regulations.

(3) The Chief Executive Officer shall exercise such powers and discharge such functions as may be specified by regulations or as may be delegated to him by the Centre.

Delegation of
powers.

22. The Centre may, for the purpose of discharging of its powers, functions and duties, by general or special order in writing, specify the powers and duties conferred or imposed upon the Centre by or under this Act (except the power to make regulation) which may also be exercised or performed by the Chief Executive Officer or any officer or officers of the Centre and the conditions and restrictions, if any, subject to which the powers and duties may be exercised and performed. 15
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Secretariat.

23. (1) There shall be a Secretariat to the Centre consisting of—

(a) Registrar, who shall supervise the activities of the Centre;

(b) Counsel, dealing with the matters relating to domestic and international arbitration; and

(c) such number of other officers and employees as may be prescribed. 25

(2) The qualifications, experience, method of selection and the functions of the Registrar, Counsel and other officers and employees shall be such as may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by
Central
Government.

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Centre in each financial year such sums of money and in such manner as it may think fit for being utilised for the purposes of this Act. 30

Fund of
Centre.

25. (1) The Centre shall maintain a Fund to which shall be credited,—

(a) all monies provided by the Central Government;

(b) all fees and other charges received during or in connection with the arbitration, conciliation, mediation or other proceedings; 35

(c) all monies received by the Centre for the facilities provided by it to the parties;

(d) all monies received by the Centre in the form of donations, grants, contributions and income from other sources; and 40

(e) the amount received from the investment income.

(2) All monies credited to the Fund shall be deposited in such banks or invested in such manner as may be decided by the Centre.

(3) The Fund shall be applied towards meeting the salary and other allowances of Members and the expenses of the Centre including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

5 **26. (1)** The Centre shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form and manner as may be prescribed in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

10 (2) The accounts of the Centre shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Centre to the Comptroller and Auditor-General of India.

15 (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Centre shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India 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 the offices of the Centre.

20 (4) The accounts of the Centre 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 and the Central Government shall cause the same to be laid before each House of Parliament.

25 **27.** The assets and liabilities in relation to any undertaking under this Act shall be caused to be assessed by any agency authorised by the Comptroller and Auditor-General of India in such manner as may be specified by him and any payment on a claim to be made in relation thereto shall be settled by him between the Society and the Central Government and shall be paid by the Society or the Central Government, as the case may be, in the manner as may be specified by the Comptroller and Auditor-General of India. Assessment of assets and liabilities of undertaking.

CHAPTER V

CHAMBER OF ARBITRATION AND ARBITRATION ACADEMY

30 **28. (1)** The Centre shall, establish a Chamber of Arbitration which shall empanel the Arbitrators and also scrutinise the applications for admission in the panel of reputed arbitrators to maintain a permanent panel of arbitrators. Chamber of Arbitration.

(2) The Chamber of Arbitration shall consist of experienced arbitration practitioners of repute, at national and international level and persons having wide experience in the area of alternative dispute resolution and conciliation.

35 (3) The Centre shall by regulations lay down the criteria for admission to the panel of the cadre so as to maintain a pool of reputed arbitrators having expertise in international commercial arbitration and arbitration other than international commercial arbitration.

(4) The Registrar to the Secretariat of the Centre shall act as the Member-Secretary to the Chamber of Arbitration.

40 **29. (1)** The Centre may establish an Arbitration Academy— Arbitration Academy.
 (a) to train the arbitrators, particularly in the area of international commercial arbitration to compete on par with the reputed international arbitral institutions;
 (b) to conduct research in the area of alternative dispute resolution and allied areas; and
 45 (c) to give suggestions for achieving the objectives of the Act.

(2) For the purposes of sub-section (1), there may be constituted a permanent three member committee in order to suggest and to submit a report to the Centre with respect to the amendments, if any, necessary to the rules and regulations made under this Act.

CHAPTER VI

MISCELLANEOUS

Power to
make rules.

30. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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

(a) the terms and conditions and the salary and allowances payable to the Chairperson and Full-time Members under sub-section (2) of section 6;

(b) the travelling and other allowances payable to the Part-time Members under sub-section (4) of section 6;

(c) the composition and functions of the Committees referred to in sub-section (2) of section 19;

(d) the number of officers and employees of the Secretariat of the Centre under clause (c) of sub-section (1) of section 23;

(e) the qualifications, experience, method of selection and the functions of the Registrar, Counsel and other officers and employees of the Centre under sub-section (2) of section 23;

(f) annual statement of accounts, including the balance sheet under sub-section (1) of section 26; and

(g) any other matter in respect of which provision is to be made or may be made under this Act.

Power to make
regulations.

31. (1) The Centre may, with the previous approval of the Central Government, by notification, make regulations consistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may make provision for—

(a) the time and place and the rules of procedure to be observed in regard to the transaction of business of the Committee at the meetings including the quorum under sub-section (3) of section 19;

(b) the time and place and rules of procedure in regard to the transaction of business of the Centre or any Committee including the quorum at the meeting under sub-section (4) of section 20;

(c) the appointment, qualifications and the terms and conditions of service of the Chief Executive Officer under sub-section (2) of section 21;

(d) the powers and functions of the Chief Executive Officer under sub-section (3) of section 21;

(e) the criteria for admission to the panel of reputed arbitrators under sub-section (3) of section 28; and

(f) any other matter in respect of which provision, in the opinion of the Centre, is necessary for the performance of its functions under this Act.

Laying of
rules and
regulations.

32. Every rule and 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.

5 **33.** No suit, prosecution or other legal proceedings shall lie against the Centre, the Chairperson or Members or its employees and arbitrators for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder. Protection of action taken in good faith.

10 **34.** (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 it to be necessary for removing the difficulty: Power to remove 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 this Act.

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

Ord. 10 of 2019. **35.** (1) The New Delhi International Arbitration Centre Ordinance, 2019 is hereby repealed. Repeal and savings.

Ord. 10 of 2019. 20 (2) Notwithstanding such repeal, anything done or any action taken under the New Delhi International Arbitration Centre Ordinance, 2019, shall be deemed to have been done or taken under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The dispute resolution process has a huge impact on the economy and doing business in our country. The rapidly changing economic activity demands expeditious settlement of disputes, creation and establishment of mechanism such as institutional arbitration. This is necessary to inspire confidence and credibility among the litigants of commercial disputes. The huge pendency of cases in courts further underlines the need for strengthening the Alternative Dispute Resolution mechanism.

2. With a view to promote institutional arbitration and to make India a hub of international arbitration, a High Level Committee headed by Mr. Justice B. N. Srikrishna former Judge, Supreme Court of India was constituted, *inter alia*, to identify the roadblocks in the development of institutional arbitration, examine specific issues affecting the Indian arbitration landscape and prepare a roadmap for making India a robust centre for international and domestic arbitration.

3. The Committee, *inter alia*, recommended that the International Centre for Alternative Dispute Resolution, which was set up in the year, 1995, with the Government funds to promote alternative dispute resolution mechanism has however not been able to achieve the objectives for which it had been set up. The Committee further recommended that International Centre for Alternative Dispute Resolution should be taken over with complete revamp of its governance structure to include only experts of repute who can lend credibility and respectability to the institution and be re-branded as a centre of national importance to highlight its character as a flagship arbitral institution.

4. In view of the above, it has been decided to establish a new institution to be called the New Delhi International Arbitration Centre for better management of arbitration in the country and to declare it as an institution of national importance. Further, the undertakings of the International Centre for Alternative Dispute Resolution needs to be taken over without interfering with its activities and without adversely affecting the character of it as a Society, so that the existing infrastructure and other facilities which have been set up by the public funds provided by the Government may be appropriately utilised by the NDIAC (New Delhi International Arbitration Centre) for the overall development of institutional arbitration.

5. In view of the above, a Bill, namely, the New Delhi International Arbitration Centre Bill, 2018 introduced in Lok Sabha on the 5th January, 2018 was passed by that House on the 4th January, 2019 and was pending in Rajya Sabha.

6. The Bill envisaged appointment of persons of repute and having knowledge and expertise in institutional arbitration as Chairperson and Members of the New Delhi International Arbitration Centre. The objects of the New Delhi International Arbitration Centre was to bring targeted reforms to develop it as a flagship institution for domestic and international arbitration and to conduct arbitration in a professional manner in the cost-effective way. The Bill also proposed to set up an Arbitration Chamber, which would empanel reputed arbitrators at national and international level. An Arbitration Academy was also proposed to be set up by New Delhi International Arbitration Centre to train arbitrators in India, so as to empower them to compete on par with reputed arbitral institutions.

7. As the Bill was pending for consideration in Rajya Sabha, in the interest of promotion of institutional arbitration, it had become expedient to take over the undertakings of the International Centre for Alternative Dispute Resolution including its regional offices and vest the same in the Central Government before it is finally vested in the New Delhi International Arbitration Centre and also to declare the New Delhi International Arbitration Centre as an institution of national importance for its overall development as an arbitration hub for promoting quick and efficient dispute resolution.

8. In view of the above and since both Houses of Parliament were not in session and circumstances existed which render it necessary for the President to take immediate action in the matter, the New Delhi International Arbitration Centre Ordinance, 2019, was promulgated on the 2nd March, 2019, *inter alia*, for taking over the undertakings of the International Centre for Alternative Disputes Resolution. Thereafter, the Sixteenth Lok Sabha was dissolved on the 25th May, 2019 and the New Delhi International Arbitration Centre Bill, 2019 pending in Rajya Sabha lapsed.

9. The New Delhi International Arbitration Centre Bill, 2019 seeks to replace the said Ordinance.

NEW DELHI;
The 19th June, 2019.

RAVI SHANKAR PRASAD

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

[Letter No. A-60011(5)/4/2016-Admn.-III(LA) dated 25.6.2019 from Shri Ravi Shankar Prasad, Minister of Law and Justice to the Secretary General, Lok Sabha]

The President, having been informed of the subject matter of the proposed New Delhi International Arbitration Centre Bill, 2019, recommends introduction of the Bill in the House under article 117(1) of the Constitution.

Notes on clauses

Clause 1 seeks to provide for short title and commencement of the Act.

Clause 2 seeks to provide definition of various expressions used in the Bill.

Clause 3 seeks to provide for the establishment of a body corporate by the name the New Delhi International Arbitration Centre, with perpetual succession, a common seal, power to acquire, hold and dispose of property, power to enter into contract and the power to sue or be sued in its own name.

Clause 4 seeks to provide for the declaration of New Delhi International Arbitration Centre as an Institution of national importance with head office at New Delhi and branches at other places in India and abroad.

Clause 5 seeks to provide for the composition of the Centre. The Centre shall consist of one Chairperson who is a person, who has been a Judge of the Supreme Court or a Judge of a High Court or an eminent person having special knowledge and experience in the conduct or administration of arbitration, law or management, two eminent persons having substantial knowledge and experience in institutional arbitration, both domestic and international as Full-time Members or Part-time Members, one representative of a recognised body of commerce and industry as Part-time Member and one member each from the Ministry of Law and Justice and Ministry of Finance and the Chief Executive Officer of the Centre as Members *ex-officio*.

Clause 6 seeks to provide for the term of office of Chairperson and Members of the New Delhi International Arbitration Centre, their terms and conditions, salary and allowances of the Chairperson and Full-time Members and travelling and other allowances payable to the Part-time Members.

Clause 7 provides for the transfer and vesting of the undertakings of the International Centre for Alternative Dispute Resolution with right, title and interest in the Central Government on and from the specified date.

Clause 8 seeks to provide that the vesting in the Central Government shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges, and all property (movable and immovable), including lands, buildings, works, projects, instruments, automobiles and other vehicles, cash balances, funds, including reserve funds, investments and book debts of the society. It also provides that properties vested in the Central Government shall be freed and discharged from any trust, obligation, mortgage, charge, lien and other encumbrances and also any attachment, injunction, decree or order of the court or authority restricting the use of such properties or assets in any manner or appointing any receiver in respect of the whole or any part of such properties or assets shall be deemed to have been withdrawn. It further provides that any licence or other instrument granted to the International Centre for Alternative Dispute Resolution in relation to any undertaking which has vested in the Central Government shall continue to be in force on and after the specified date and the New Delhi International Arbitration Centre shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to the New Delhi International Arbitration Centre and the New Delhi International Arbitration Centre shall hold it for the remainder of the period. It further provides that any suit, appeal or other proceeding, of whatever nature instituted or preferred by or against the International Centre for Alternative Dispute Resolution in relation to any property or asset which has vested in the Central Government or New Delhi International Arbitration Centre, shall not abate and the suit, appeal or other proceeding may be continued, prosecuted or enforced against the Central Government or the New Delhi International Arbitration Centre.

Clause 9 seeks to provide that every liability in relation to any undertaking in respect of any period prior to the specified date shall be enforceable against the Society and not against the Central Government.

Clause 10 provides that the Central Government shall, as soon as may be after the specified date, direct by notification, that the undertakings and the right, title and interest of the Society in relation to such undertakings which had vested in the Central Government shall vest in the New Delhi International Arbitration Centre either on the date of publication of the notification or on such earlier or later date as may be specified in the notification. It further provides that the New Delhi International Arbitration Centre shall on and from the date of such vesting shall be deemed to have become the owner in relation to such undertakings and the rights and liabilities of the Central Government in relation to such undertakings shall be deemed to have become the rights and liabilities of the New Delhi International Arbitration Centre.

Clause 11 seeks to provide for the general superintendence, direction, control and management of affairs of the undertakings, once vested in the New Delhi International Arbitration Centre on issuance of direction by the Central Government or where no such direction has been made, in the Custodian of the Undertakings appointed by the Central Government on such remuneration as may be fixed and who shall hold office during the pleasure of the Central Government.

Clause 12 seeks to provide that on the vesting of the management of the undertakings in the New Delhi International Arbitration Centre or on the appointment of a Custodian, all persons in charge of management of the undertakings immediately before such vesting or appointment shall be bound to deliver to the New Delhi International Arbitration Centre or Custodian, as the case may be, all assets, books of account, registers and other documents in their custody relating to the undertakings. It further provides that the Central Government may issue such directions regarding the powers and duties of the Custodian and the Custodian may also seek instructions from the Central Government as to the manner in which the management of the undertaking shall be conducted or in relation to any other matter arising in the course of such management. It also provides that any person who on the specified date, has in his possession or under his control, any books, documents or other papers relating to the undertakings shall be liable to account for such books, documents and other papers and shall deliver such documents to the Central Government or the Custodian or the New Delhi International Arbitration Centre as the case may be. It also provides that the Central Government or the New Delhi International Arbitration Centre may take or cause to be taken all necessary steps for securing possession of all undertakings which have vested in the Central Government or the New Delhi International Arbitration Centre. It also provides that the International Centre for Alternative Dispute Resolution shall, within such period as the Central Government may allow furnish a complete inventory of all its properties and assets, as on the commencement of the New Delhi International Arbitration Centre Ordinance, 2019 pertaining to the undertakings.

Clause 13 seeks to provide that the Central Government or the Custodian or the New Delhi International Arbitration Centre shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the International Centre for Alternative Dispute Resolution in relation to its undertakings which have vested in the Central Government or Custodian or the New Delhi International Arbitration Centre, as the case may be, and realised after the commencement of the New Delhi International Arbitration Centre Ordinance, 2019, notwithstanding that the realisation pertains to a period prior to the said commencement.

Clause 14 seeks to provide for the objects of the New Delhi International Arbitration Centre i.e., to bring targeted reforms to develop itself as a flagship institution for conducting international and domestic arbitration; to promote research and study,

providing teaching and training, organising conferences and seminars in arbitration, conciliation, mediation and other alternative dispute resolution matters; to provide facilities and administrative assistance for conciliation, mediation and arbitral proceedings; to maintain panels of accredited arbitrators, conciliators and mediators both at national and international level or specialists such as surveyors and investigators; to collaborate with other national and international institutions and organisations for ensuring credibility of the New Delhi International Arbitration Centre as a specialised institution in arbitration and conciliation; to set up facilities in India and abroad to promote the activities of the New Delhi International Arbitration Centre; to lay down parameters for different modes of alternative dispute resolution mechanisms being adopted by the New Delhi International Arbitration Centre; and such other objectives as it may deem fit with the approval of the Central Government.

Clause 15 seeks to provide the functions of the New Delhi International Arbitration Centre including the function to facilitate for conducting international and domestic arbitrations and conciliation in the most professional manner; to provide cost effective and timely services for the conduct of the arbitrations and conciliations at national and international level; to promote studies in the field of alternative dispute resolution and related matters, and to promote reforms in the system of settlement of disputes; to undertake teaching and to provide for diffusion of knowledge of law and procedures on alternative dispute resolution and related matters and to award certificates and other academic or professional distinction; to impart training in alternative dispute resolution and related matters to those who are handling arbitration, conciliation and mediation; to co-operate with other societies, institutions and organisations, national or international for promoting alternative dispute resolution; and to perform such other functions as may be entrusted to it by the Central Government for promoting alternative dispute resolution.

Clause 16 seeks to provide that any vacancy, defect in the appointment or any irregularity in procedure shall not invalidate the proceedings of the New Delhi International Arbitration Centre.

Clause 17 seeks to provide for the procedure for resignation of Chairperson or the Full-time Member and Part-time Member by notice in writing, addressed to the Central Government. It also provides that the Chairperson and Full-time Member shall be permitted to relinquish their office sooner, or 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.

Clause 18 seeks to specify the circumstances in which the Central Government may, remove a Member of the New Delhi International Arbitration Centre if he—(a) is an undischarged insolvent; or (b) has engaged at any time (except Part-time Member), during his term of office, in any paid employment; or (c) has been convicted of an offence which involves moral turpitude; or (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or (e) has so abused his position which render the continuation in office prejudicial to the public interest; or (f) has become physically or mentally incapable of acting as a Member. It also provides that no Member shall be removed from his office on the grounds specified in clauses (d) and (e) above unless the Supreme Court, on a reference being made to it has, on an inquiry, held by it in accordance with such procedure as may be made by rule in this behalf by the Supreme Court, reported that the Member, ought on such ground or grounds to be removed.

Clause 19 seeks to provide for the constitution of various Committees by the New Delhi International Arbitration Centre for administering the various aspects of its functioning. It further provides that the composition and functions of the Committee shall be such as may be made by rules. It also provides that the Committee shall meet at

such time and at such places and shall observe such rules of procedure regarding the transaction of business at its meetings including the quorum as may be specified by the regulations.

Clause 20 seeks to provide that the meetings of the New Delhi International Arbitration Centre shall be presided over by the Chairperson and in his absence the Member chosen by the other Members shall preside over the meeting. It further provides that the Chairperson shall exercise such other powers and perform such other duties as are assigned to him under the Act and also to ensure the implementations of decisions taken by the New Delhi International Arbitration Centre. It also provides that the New Delhi International Arbitration Centre shall meet at least four times a year and follow the procedure in its meetings as may be specified by the regulations. It also provides that all questions which come up before any meetings of the New Delhi International Arbitration Centre 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 in his absence, the person presiding, shall have a casting vote. The New Delhi International Arbitration Centre shall deal with all questions that come up before any meeting expeditiously and shall dispose of the same within a period of sixty days from the date of receipt of the application and where such application could not be disposed of within the said period the New Delhi International Arbitration Centre shall record its reasons in writing. It also provides that Chairperson may invite any expert, not being a Member, to attend the meetings of the New Delhi International Arbitration Centre, but such invitee shall not be entitled to vote at the meeting.

Clause 21 seeks to provide for appointment of a Chief Executive Officer to the New Delhi International Arbitration Centre, who shall be responsible for day-to-day administration of the New Delhi International Arbitration Centre and he shall liaison with the New Delhi International Arbitration Centre and the Secretariat and shall exercise such powers and discharge such functions as may be specified by the regulations or as may be delegated to him by the New Delhi International Arbitration Centre. It further provides that the appointment, qualifications and the terms and conditions of services of the Chief Executive Officer, shall be such as may be specified by the regulations.

Clause 22 seeks to provide for delegation of powers, functions and duties of the New Delhi International Arbitration Centre, by general or special order, in writing, specifying the powers and duties conferred or imposed upon the New Delhi International Arbitration Centre under this Act (except the power to make regulation) and the conditions and restrictions, if any, subject to which the powers and duties may be exercised and performed by the Chief Executive officer or any officer or officers of the New Delhi International Arbitration Centre.

Clause 23 seeks to provide for a Secretariat to the New Delhi International Arbitration Centre consisting of Registrar, Counsel and such number of other officers and employees and the qualifications, experience, method of selection and functions of them shall be such as may be prescribed.

Clause 24 seeks to provide that the Central Government may, after due appropriation made by Parliament by law, pay to the New Delhi International Arbitration Centre in each financial year such sums of money and in such manner as it may think fit for being utilised for the purposes of this Act.

Clause 25 seeks to provide that the New Delhi International Arbitration Centre shall maintain a Fund in which all monies provided by the Central Government; all fees and other charges received during or in connection with the arbitration, conciliation, mediation or other proceedings; all monies received by the New Delhi International Arbitration Centre for the facilities provided by it to the parties; all monies received by the New Delhi International Arbitration Centre in the form of donations, grants, contributions and income from other sources; and the amount received from the

investment income, shall be credited. It further provides that all monies credited to the Fund shall be deposited in such banks or invested in such manner as may be decided by the New Delhi International Arbitration Centre and the Fund shall be applied towards meeting the salary and other allowances of Members and the expenses of the New Delhi International Arbitration Centre including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

Clause 26 seeks to provide that the New Delhi International Arbitration Centre shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form and manner as may be made by rule in consultation with the Comptroller and Auditor-General of India. It further provides that the accounts of the New Delhi International Arbitration Centre shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred in that connection shall be payable by the New Delhi International Arbitration Centre. It also provides that the Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the New Delhi International Arbitration Centre shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India. It also provides that accounts of the New Delhi International Arbitration Centre as certified by the Comptroller and Auditor-General of India or any other person appointed by him together with the audit report thereon shall be forwarded annually to the Central Government which shall be caused to be laid before each House of Parliament.

Clause 27 seeks to provide that the assets and liabilities in relation to any undertaking under the Act shall be caused to be assessed by any agency authorised by the Comptroller and Auditor-General of India, in such manner as may be specified by him and any payment on a claim to be made in relation thereto, shall be settled by him between the International Centre for Alternative Dispute Resolution and the Central Government and shall be paid by the International Centre for Alternative Dispute Resolution or the Central Government, as the case may be, in the manner as may be specified by the Comptroller and Auditor-General of India.

Clause 28 seeks to provide for establishment of a Chamber of Arbitration which shall empanel the Arbitrators and also scrutinise the applications for admission in the panel of reputed arbitrators. It further provides that the Chamber of Arbitration shall consist of experienced arbitration practitioners of repute, at national and international level and persons having wide experience in the area of alternative dispute resolution and conciliation. It also provides that the New Delhi International Arbitration Centre shall lay down the criteria by regulations for admission to the panel of the cadre to maintain a pool of reputed arbitrators having expertise in international commercial arbitration and arbitrations other than international commercial arbitration and the Registrar of the New Delhi International Arbitration Centre shall be the Member-Secretary of the Chamber of Arbitration.

Clause 29 seeks to provide that the New Delhi International Arbitration Centre may establish an Arbitration Academy to train the arbitrators, particularly in the area of international commercial arbitration to compete on par with the reputed international arbitral institutions; to conduct research in the area of alternative dispute resolution and allied areas; and to give suggestions for achieving the objectives of the Act. It further provides for constitution of a permanent three Member Committee, which may suggest amendments, if any, necessary to the rules and regulations issued under the Act.

Clause 30 seeks to empower the Central Government to make rules to carry out the provisions of this Act.

Clause 31 seeks to empower the New Delhi International Arbitration Centre to make regulations, by notification, with the previous approval of the Central Government.

It further provides that the regulations shall be consistent with the provisions of the Act and the rules made thereunder.

Clause 32 seeks to provide for laying of every rule made by the Central Government and every regulation made by the New Delhi International Arbitration Centre, as soon as may be, after it is made, before each House of the Parliament.

Clause 33 seeks to provide that, no suit, prosecution or other legal proceedings shall lie against the Centre, Chairperson or Members of the New Delhi International Arbitration Centre or its employees and arbitrators for anything which is in good faith done or intended to be done under the Act or the rules or regulations made thereunder.

Clause 34 seeks to provide that, if any difficulty arises in giving effect to the provisions of the Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of the Act, as may appear to it to be necessary for removing the difficulty. It further provides that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. It also provides that every order made under this section shall be laid before each House of Parliament.

Clause 35 seeks to provide for repeal and savings of the New Delhi International Arbitration Centre Ordinance, 2019.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for establishment of the New Delhi International Arbitration Centre and sub-clause (2) provides that the Centre shall hold, acquire and dispose of property, both movable and immovable.

2. Sub-clauses (2) and (4) of clause 6 of the Bill provides for terms and conditions, salary and allowances payable to the Chairperson and Full-time Members and travelling and other allowances payable to Part-time Members.

3. Clause 7 of the Bill provides that on and from the specified date, the undertakings of the International Centre for Alternative Dispute Resolution shall stand transferred to and vest in the Central Government.

4. Clause 10 of the Bill provides that the rights and liabilities of the Central Government in relation to the undertakings of the Centre for Alternative Dispute Resolution shall on and from the specified date shall vest in the New Delhi International Arbitration Centre and the New Delhi International Arbitration Centre shall be deemed to have become owner in respect of such properties, etc.

5. Sub-clauses (2) and (3) of clause 11 empowers the Central Government to appoint a Custodian of the undertakings on such remuneration as may be fixed by the Central Government.

6. Clause 14 of the Bill provides to promote research and study, providing teaching and training and organising conferences and seminars in arbitration, conciliation, mediation and other alternative dispute resolution matters and to set up facilities in India and abroad to promote the activities of the New Delhi International Arbitration Centre.

7. Clause 19 of the Bill provides for constitution of various Committees by the New Delhi International Arbitration Centre for handling the specific aspects relating to the functions of the New Delhi International Arbitration Centre.

8. Sub-clause (1) of clause 21 of the Bill provides for appointment of a Chief Executive Officer, who shall be responsible for day-to-day administration of the affairs of the New Delhi International Arbitration Centre. Sub-clause (2) provides for specifying the terms and conditions of service of the Chief Executive Officer.

9. Sub-clause (1) of clause 23 of the Bill provides for the establishment of a Secretariat of the New Delhi International Arbitration Centre. Sub-clause (2) provides for qualifications, etc., of the other officers and employees of the Secretariat.

10. Clause 24 of the Bill provides for Grants by the Central Government to the New Delhi International Arbitration Centre.

11. Clause 25 of the Bill provides for maintenance of a Fund for crediting all monies provided by the Central Government; all fees and other charges received during or in connection with the arbitration, conciliation, mediation or other proceedings; all monies received by the Centre for the facilities provided by it to the parties; all monies received by the Centre in form of donations, grants, contributions and income from other sources; and the amount received from the investment income and the same shall be deposited in such banks or invested in such manner as may be decided by the New Delhi International Arbitration Centre. The Fund shall be applied towards meeting the salary and other allowances of Chairperson and the Members and the expenses of the New Delhi International Arbitration Centre including expenses incurred in the exercise of its powers and discharge of its duties.

12. Clause 28 of the Bill provides for establishment of Chamber of the Arbitration for empanelment of Arbitrators and scrutinise the applications for admission in the panel of reputed arbitrators.

13. Clause 29 of the Bill provides for establishment of an Arbitration Academy to train the arbitrators, particularly in the area of International Commercial Arbitration to compete on par with the reputed international arbitral institutions; to conduct research in the area of alternative dispute resolution and allied areas, etc.

14. It is estimated that there would be an expenditure of approximately six crore seventy-three lakhs twenty-three thousands and eight hundred and twenty-four rupees in the first year, six crore sixty-four lakhs fifty-one thousand and two hundred and six rupees in second year and seven crore thirty-three lakhs forty-nine thousand and eight hundred and twenty-seven rupees in the third year of establishment of the New Delhi International Arbitration Centre as initial establishment expenses, including salaries and allowances and other remuneration of Chairperson and Members (other than *ex officio* Members) and of its officers and other employees. It is expected that major recurring expenses of the New Delhi International Arbitration Centre would be funded out of the fees and charges as may be received by it.

15. The Bill, if enacted and brought into operation, would not involve any other expenditure of a recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 11 of the Bill empowers the Central Government to fix the remuneration of the Custodian appointed under sub-clause (2) of clause 11.

2. Sub-clause (2) of clause 18 of the Bill empowers the Supreme Court to prescribe procedure for removal of a Member on a reference being made by the Central Government.

3. Clause 30 of the Bill empowers the Central Government to make rules with respect to the matter specified under sub-clause (2) which, *inter alia*, relate to the terms and conditions and the salary payable to Chairperson and Full-time Members; the travelling and other allowances payable to Part-time Members; composition and functions of the Committees; the number of officers and employees of the Secretariat of the Centre; the qualifications, experience, method of selection and the functions of the Registrar, Counsel and other officers and employees of the New Delhi International Arbitration Centre; annual statement of accounts including balance sheet of the New Delhi International Arbitration Centre.

4. Clause 31 of the Bill empowers the New Delhi International Arbitration Centre to make regulations with the previous approval of the Central Government, in respect of the matters specified under sub-clause (2) which, *inter alia*, relates to the time and place and the rules of procedure to be observed in regard to the transaction of business of the Committee at the meeting including the quorum; the time and place and rules of procedure in regard to the transaction of business of the Centre or any Committee including the quorum of the meeting; the appointment, qualifications and terms and conditions of service of the Chief Executive Officer; the powers and functions of the Chief Executive Officer; and the criteria for admission to the panel of reputed arbitrators.

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

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to provide for the establishment and incorporation of the New Delhi International Arbitration Centre for the purpose of creating an independent and autonomous regime for institutionalised arbitration and for acquisition and transfer of the undertakings of the International Centre for Alternative Dispute Resolution and to vest such undertakings in the New Delhi International Arbitration Centre for the better management of arbitration so as to make it a hub for institutional arbitration and to declare the New Delhi International Arbitration Centre to be an institution of national importance and for matters connected therewith or incidental thereto.

(Shri Ravi Shankar Prasad, Minister of Law and Justice)