

FOCUS

HALF YEARLY DIGEST FOR THE LAW MAKER

Vol. LII

JANUARY - JUNE 2022

No. I



SECRETARIAT OF THE KERALA LEGISLATURE



FOCUS

***HALF YEARLY
DIGEST FOR
THE LAW MAKER***

Prepared by
THE SECRETARIAT OF THE KERALA LEGISLATURE
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FOR A SUSTAINABLE FARM SECTOR

Arabinda K Padhee and Anthony Whitbread

A look at strategies and pathways to make Indian agriculture resilient in a changing climate and help the country fulfil commitments it made at COP26

INDIA'S PLEDGE of *panchamrit* (five-fold strategy) to fight climate change, announced during the 26th Conference of the Parties (cop26) at Glasgow, Scotland, has caught global attention. The country's new commitments include reaching 500 GW of non-fossil fuel energy capacity by 2030; producing 50 per cent of energy requirements via renewable energy sources by 2030; a reduction of 1 billion tonnes of carbon by 2030; reducing the carbon emission intensity of the GDP by 45 per cent by 2030; and most importantly, achieving net-zero emissions by 2070. Here, we focus on agriculture and food systems and how India should fight the challenge of climate change in light of cop26.

India and 26 other countries signed the Sustainable Agriculture Policy Action Agenda at the summit to

set a course of action to protect food systems and prevent loss of biodiversity against climate change. While Indian agriculture is adversely impacted by the vicissitudes of climate change, the sector also is a significant contributor to greenhouse gas (GHG) emissions. As per the Third Biennial Update Report submitted by India to the United Nations Framework Convention on Climate Change in early 2021, the agriculture sector contributes 14 per cent of the total GHG emissions (energy 75.01 per cent; industrial process and product use 8 per cent; and waste 2.7 per cent, as per 2016 data). Within the sector, 54.6 per cent of GHG emissions were due to enteric fermentation, followed by 17.5 per cent from rice cultivation, 19.1 per cent from fertiliser applied to agricultural soils, 6.7 per cent from manure management, and 2.2 per cent due to field burning of agricultural residues.

Therefore, effective mitigation measures and appropriate adaptation technologies must be taken to reduce GHG emissions from the agriculture sector.

India's approach has been a balancing act between growth and sustainability in its climate change policies and it is leading the developing nations to place agriculture in the ongoing negotiations. The National Mission on Sustainable Agriculture, as part of National Action Plan on Climate Change has, for more than a decade now, focused to make Indian agriculture sustainable, considering likely risks arising from climate variability. The Indian Council of Agricultural Research and international agricultural research centres of the CGIAR system (a France-headquartered public agricultural innovation network), including International Crops Research Institute for the Semi- Arid Tropics (ICRISAT), have developed climate-smart agricultural technologies and approaches to assist the sector become less vulnerable to the adverse impacts of climate change. We present a list of strategies/ pathways that could be prioritised to make Indian agriculture sustainable in a changing climate.

Diversification: Diversifying from existing cropping systems, predominated by rice and wheat in many unsustainable landscapes, to more nutritious and environment- friendly crops have often been suggested to address challenges of climate change and malnutrition.

However, such a transition must protect the income base of the farmers. Research findings have already shown the potential benefits of crop diversification, including to sorghum and millet, and particularly in those tracts where rice yields are low. Such diversification would not only increase the nutritional value of the food system, but also holds potential to reduce inputs and GHG emissions. Agroforestry, for example, brings synergies between trees and crops or forages (such as trees on field bunds, inline agroforestry and high-density fruit orchards) to help diversify existing farming systems and achieve medium- to long-term sustainability. Diversification to crops like pulses, oilseeds, vegetables and fruits, adapted to specific agro-ecologies, must also be planned, and implemented by the states with suitable incentives to farmers during the changeover. However, diversifying to new portfolio of crops will need strengthening of existing value chains.

For crop diversification (from major staples to nutritious and climate-resilient crops) to succeed, healthy and diversified diets need to be promoted and incorporated in the menu of Indian consumers. An increasing consumer interest on safe and nutritious foods is already observed during the pandemic, and this positive trend for healthy foods is expected to further rise.

Reduction of food waste must also be internalised by large section of consumers, through campaigns by government and civil society, that lessen GHG emissions from this neglected part of the food system.

Agro-ecological approaches:

Methane from rice paddies, nitrous oxide emissions, or nitrogen leaching from inefficient use of chemical fertiliser are a key downside of resource-intensive approaches to production. Agro-ecological approaches, offer a solution to these problems. Natural farming practices are the commonest examples that have been tried and scaled up in parts of India to bring synergy towards ecosystem services and biodiversity conservation.

Managing crop-residue burning remains a huge challenge. The activity affects air quality in immediate vicinity

and in urban centres. This practice is propelled by a mono culture farming system and the legacy of, perhaps, perverse policy incentives. Conservation agriculture offers solutions to such pernicious problems with good agronomy and soil management such as no-till farming, crop rotation, in-situ crop harvest residue management/mulching, zero-till planters, among others. These practices could be very useful in reducing GHGS.

Excessive use of pesticides and fertilizers pollutes the environment. The scientifically prescribed ratio of macro nutrients (nitrogen-phosphorous-potassium or N-P-K) is already skewed in many states due to excessive subsidy in favour of urea vis-a-vis the balance approach to plant nutrition considering macro- and micro-nutrients. Since the government's soil health card scheme has penetrated across the country, site-specific, need-based nutrient management is advisable to sustainably conserve the soil ecosystem.

Organic farming that involves crop cultivation in natural ways can be practised with supportive policy

incentives, without compromising the profitability and income of farmers. Use of botanicals, green-manure and biological pest control is nature-friendly and can considerably reduce GHG emissions. The organic movement is catching up in some parts of India, albeit slowly.

Nature – positive and regenerative agriculture practices mentioned above hold potential to reduce GHG emissions. Since the government is driving for such technologies and practices at some pace and scale, their scientific validation and demonstration (to avert notions that they might compromise on food security) can bring wide adoption by farmers.

Water-use efficiency:

Diminishing natural resources, including water, is the most visible manifestation of climate change in India. Water used for Indian agriculture accounts for about 80 per cent of total freshwater resources and, therefore, efficiency savings would always be desirable for additional food production for a burgeoning population. Promotion of micro-irrigation practices (sprinkler and drip) through several schemes and programmes by the government has

been localised in few states and should proliferate. We need to move from a supply-based to a demand-based system to reach the huge micro-irrigation potential. Several new production methods along with specific agronomic practices have been suggested for this. For example, system of rice intensification, alternate wetting and drying, direct seeded rice and furrow irrigation have often been prescribed for traditionally perceived water-guzzling crop like paddy with no yield disadvantages. Subsidy-based approaches to irrigate farmlands has led to negative environmental consequences in many parts of India. Punjab is a case in point, where over-exploitation of groundwater due to subsidies on power (in fact, it is free) has led to an alarming situation. “More crop-per drop” has been the mantra of public policies around irrigation water. Suitable policies with incentives mechanism could lead more farmers to adopt technologies that aim to “irrigate the crop and not the land”.

In-situ soil and moisture conservation with involvement of the community has successfully been addressed through the watershed management approach. The impacts of the interventions demonstrated

successfully by institutes like ICRISAT have shown recharging of groundwater that has enabled farmers to grow more crops per year and enhancement of productivity of a diverse crop portfolio. Convergence of schematic interventions through the Mahatma Gandhi National Rural Employment Guarantee Scheme, Pradhan Mantri Krishi Sinchai Yojana, among others, for groundwater recharge, revival of traditional waterbodies and creation of water-harvesting structures would go a long way in water conservation and lessen an impending ecological threat from current unsustainable practices.

Renewable energy usage:

India's ambitious renewable energy target (500 GW by 2030) must include the potential agriculture sector upfront. At present, Pradhan Mantri Kisan Urja Suraksha evam Utthaan Mahabhiyan (PM-KUSUM) scheme of the government aims to improve irrigation access and raise farmers' income through solar-powered irrigation. However, with highly subsidised or free electricity to irrigate agricultural lands, farmers have not largely switched over to solar-powered irrigation and harness the potential. Setting up of solar power plants on

farmlands and solarising existing grid-connected pumps, could earn additional income to farmers, besides making them net energy producers. Government policies must reorient to reduce agriculture's power subsidy bills and divert the money to sustainable farm sector investments like solar power that could address challenges arising from the "water-energy- food" nexus. Reducing energy usage from fossil fuel sources will reduce carbon footprints in the agriculture sector and enhance livelihoods of smallholders.

Digital agriculture:

Increasing use of mobile telephones (and smartphones) in rural India offers a unique opportunity to leverage information symmetry and connectivity to the advantage of farmers. The new ICT (Information and Communications Technology) and data ecosystems carry the potential to raise farm productivity and income by supporting the delivery of information and services, market integration and management of risks mainly arising from weather extremes. Proven support systems, like weather advisories and market intelligence, hold promise to make farming more profitable and sustainable. For example, Meghdoot, a pan-India

application for accessing agromet information, has been popular. Similarly, new agri-tech startups and farm enterprises, including those led by farmer collectives like food processor organisations/ corporations, are increasingly using digital tools. Public policies must keep these emerging trends in mind.

Research and innovation investments:

To offset the impact of climate change on food and agriculture by developing climate resilient varieties and other suitable technologies, increased resource allocation to agricultural research and innovation has often been prescribed. The rise of carbon dioxide levels and temperature in the atmosphere have direct correlation on crop productivity, grain quality, pest and disease incidence, as well as on the cropping system. Research and analyses on the contributions of various allied sectors of agriculture on GHG emissions will also be helpful for effective policy planning. For example, animal agriculture contributes

the highest carbon emissions within the agriculture sector in India and therefore, life cycle assessment studies are needed for products or services in the livestock sector for robust measurement systems as tools for national GHG inventory and to monitor emission reduction targets.

Inadequate and sub-optimal investments may not yield desired results and the government must commit enhanced outlay for agricultural research and innovation, including improvement of infrastructure, and capacities of both scientists and extension personnel.

Climate change affects the poor and the smallholders, who earn their livelihoods from agriculture, disproportionately. Technologies and adaptation strategies must, therefore, reduce their vulnerabilities. India, in its mitigation and adaptation efforts, must implement policies that make agriculture climate resilient and sustainable. Post-COP26 India's ambitious commitments should reflect in its tangible and concrete actions.

(Arabinda K Padhee is Country Director-India and Anthony Whitbread is Director-Resilient Farm and Food Systems with the International Crops Research Institute for the Semi-arid Tropics)

Down to Earth
16-31 January 2022

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THE DEVASTATING IMPACT OF SCHOOL CLOSURE

Bhaskaran Raman

Closing school for this long and providing just online education, we have violated children's rights

About three weeks ago, we all wished each other a happy 2022. However, that has remained wishful thinking with the Omicron variant of COVID-19 upending our lives. More than Omicron itself, which is more transmissible than Delta but far milder, the response to the variant in terms of the restrictions that have been imposed on us has once again affected our daily lives. Much has been written about the disproportionate response to Omicron. It stands to reason that if restrictions like night curfews and border checks did not restrict an earlier variant, they will not restrict a more transmissible one.

Abandoning reason

But we as a society abandoned reason long ago, when we decided to close schools for about 20 months. The unreasonable response to Omicron has had an impact especially on children. Schools have become an easy target for politicians: closing them gives them the benefit of being seen as

“doing something”, even as being caring and sensitive, to “contain COVID-19”. But this is an emotional reaction and not rooted in reason and fact. Even before the second COVID-19 wave, experts across the board advised that schools should be the last to close and first to open. Ignoring all this advice has brought us the ignoble distinction of being among the countries with the longest school closures during the pandemic. Despite the Omicron surge, most other countries have kept schools open, prioritising the well-being of children.

The primary (emotional) “reason” provided for school closure is to “protect children”. Let us pause and examine this reason with analogy. Suppose the government told us that children should no longer travel in cars and on motorbikes, as these are dangerous, what would our reaction be? Surely, we would consider it absurd. Now, data show that the risk of COVID-19 for those under 25 years is much lower than the risk from

traffic accidents. So, school closures to “protect children” is as absurd as banning children from travelling in cars.

Are schools super-spreaders? We are told that children could carry the virus from school to elders at home. The scientific evidence for schools as COVID-19 hotspots is very weak. Indeed, studies have shown the opposite. For instance, a study in Spain looked at data from over 1 million children of all ages in schools, and found that the R-value (rate of virus spread) is well less than one for all schoolchildren. Furthermore, the R value is lower for lower ages, as low as 0.2 for pre-primary children. So, the practice of shutting Anganwadis and primary schools, which many States have done, is unscientific. Sweden never closed its schools for children under 16, and there was no extra risk for teachers compared to other professions. But at this point, one does not need careful studies, but only plain common sense. How can schools super-spreaders when every other place in India is crowded: banks, markets, buses, trains, airports, and even malls and theatres?

Consequences

Does online education constitute education? Early on in the pandemic, whether children would be affected by COVID-19 may have been an unknown. But it was always known

that online education would be a poor replacement for physical classes, and that children, especially in primary and pre-primary classes, can learn as well as socially and emotionally develop only through human interactions with teachers and peers. Yet, by shutting schools, we have experimented with their lives. The results of this experiment are devastating. A detailed survey report from September 2021 shows the extent of the impact. The reading and writing levels of children have declined, with nearly half of them unable to read more than a few words. More than a third of the them were not studying at all.

Even going along with the baseless and implicit assurance that learning issues can somehow be made up at some unspecified future date, mental health issues are deeply concerning. Despite a shorter school closure than India, the U.K. has reported alarming increases in mental health issues among kids. Likewise, the American Academy of Pediatrics called the mental health crisis among children a national emergency. In India, aside from mental health issues, there have been other severe consequences of school closure. Malnutrition is a serious problem; by neglecting mid-day meals, we have worsened it. Decades of progress against the severe malice of child labour has been reversed due to

extended school closure. As per the 2011 Census, we had an estimated 10.1 million children in child labour. If we had daily updates on malnutrition or child labour cases, we would probably have paid attention to the plight of India's children and not closed school this long.

The vaccination argument

Yet another myth in the context of schools is that they are safe only after children are vaccinated against COVID-19. This too defies logic as schools were open in several other Countries even before adults were vaccinated. Some medical professionals have argued that COVID-19 vaccines are necessary for children as otherwise children may carry the infection from school back home to adults. Aside from the obvious ethical question of jabbing children for the benefit of adults, such a stance is also quite unscientific, as it is known now that the current COVID-19 vaccines (even boosters) do not prevent infection or transmission. While no one can argue against a vaccine that is shown to be safe and effective after rigorous trials

for children, there is no case for linking schools and education to a vaccine still under clinical trial. There can be no question of emergency authorisation of vaccines for or children as there has been no COVID-19 emergency for children. This was indeed the position of the National Technical Advisory Group on Immunisation. The government nod for vaccinating children in the 15-18 age group defies explanation.

Education is a constitutional right. By closing schools for this long and providing a poor substitute with online education, we have violated children's right. Everyone must now speak up for children. A group of us has started an initiative, 'Happy 2022, Happy for Kids Too', which has been endorsed by various epidemiologists, doctors and educationists. We hope that 2022 and the years from now are normal for children in all respects, including a good school life and happy childhood. Children have needlessly suffered for too long, not from COVID-19 which has thankfully spared them, but from irrational and disproportional restrictions and school closures. We urge all concerned citizens to join the Chain-for-Children's-Cheer at happy22kids.org to make this wish come true.

(Bhaskaran Raman is a Professor at IIT, Bombay)

The Hindu
25th January 2022

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STEP UP AGRI-SPENDING BOOST FARM INCOMES

Poornima Varma

India's poor AOI is a stark reminder of the need to attain a key sustainable development goal of higher agri-growth

While the overall budgetary allocation towards the agricultural sector has marginally increased by 4.4% in the Union Budget 2022-23, the rate of increase is lower than the current inflation rate of 5.5%-6%. The Food and Agriculture Organization (FAO) of the United Nations (UN) report for 2001 to 2019 shows that, globally, India is among the top 10 countries in terms of government spending in agriculture, constituting a share of around 7.3% of its total government expenditure. However, India lags behind several low-income countries such as Malawi (18%), Mali (12.4%), Bhutan (12%), Nepal (8%), as well as upper middle-income countries such as Guyana (10.3%) and China (9.6%).

India is ranked low

The picture changes and rather looks disappointing when we look at the Agriculture Orientation Index (AOI) - an index which was developed as part of the Goal 2 (Zero Hunger) of

the 2030 Agenda for Sustainable Development in 2015. The Sustainable Development Goal (SDG) 2 emphasises an increase in investment in rural infrastructure, agricultural research and extension services, development of technology to enhance agricultural productivity and eradication of poverty in middle- and lower-income countries. The AOI is calculated by dividing the agriculture share of government expenditure by the agriculture value added share of GDP. In other words, it measures the ratio between government spending towards the agricultural sector and the sector's contribution to GDP. India's index is one of the lowest, reflecting that the spending towards the agricultural sector is not commensurate with the sector's contribution towards GDP.

A comparison with Asia

Although the AOI has shown an improvement since the mid-2000s, as part of the general revival that took

place in several middle-income countries, India's AOI (<https://bit.ly/3rBSorH>) is one of the lowest in Asia and among several other middle-income and upper-income countries. Asia as a whole performs much better, with a relatively higher performance by Eastern Asian countries. China has been doing remarkably well with an index steadily improving and crossing one.

Similarly, in countries such as the Republic of Korea, the value of AOI has been greater than one and greater than two since 2005-06 respectively. Even lower income African countries such as Zambia, have commendable spending in the agricultural sector despite being a landlocked country. India holds only the 38th rank in the world, despite being an agrarian economy wherein a huge population is dependent on the agricultural sector for its livelihood, and despite being among the largest producers of several crops produced and consumed in the world.

The enormous spending on the agricultural sector by East Asian countries is also reflected in their higher crop yield. For example, the total cereal yield in India is only around 3,282 kilograms per hectare compared to 4,225 kg per hectare in Asia. Within the Asian region, Eastern Asia has the highest cereal yield of 6,237 kg per hectare. In China, even

with an average land holding size of 0.6 hectares, which is much lower than India's average land holding size, the performance of the sector in terms of crop yield is much higher than India. For example, the cereal yield is 6,296 kg per hectare, pulses yield is 1,815 kg per hectare and vegetable crops yield is 25,546 kg per hectare in China; the corresponding figures for India are 3,282 kg, 704 kg, and 15,451 kg, respectively. Both India and China are among the world's largest producers of wheat, rice, cotton and maize.

A closer look at the budgetary allocation towards the agricultural sector shows that there has been a drastic slashing of funds toward important schemes such as crop insurance and minimum support price (MSP). Even with an overall increase in budgetary outlays, the allocation towards Market Intervention Scheme and Price Support Scheme (MIS-PSS) was only ₹1,500 crore. This is 62% less than the previous allocation of ₹3,959.61 crore in revised estimates (RE) of FY 2021-22.

Other significant reductions

Similarly, the Pradhan Mantri Annadata Aay SanraksHan Abhiyan (PM-AASHA) experienced a significant reduction to only one crore as against the allocation of ₹400 crore in 2021-22. It was allocated just ₹1 crore for

the year as against an expenditure of ₹400 crore in 2021-22. Both schemes are pertinent to ensure MSP-based procurement operations in the country, especially for pulses and oil seeds. Further more, the distribution of pulses to States for welfare schemes has also been reduced to ₹9 crore as compared to the ₹50 crore of FY 2021-22 (revised estimates) and the allocated amount of ₹300 crore in the year 2021-22. Additionally, there is an overall reduction in ₹718.8 crore in total central schemes/projects, which may have serious implications for the performance of the sector.

While one can still argue that the capital investment in the agricultural sector is more crucial than price support programmes, there has not been any considerable and commensurate increase in the allocation towards capital investment, especially for production of rural infrastructure marketing facilities. Allocation of rural development was 5.59 % in the previous Budget and it has been

reduced to 5.23%. The allocation of funds towards scheme such as Pradhan Mantri Kisan Samman Nidhi (PM KISAN), Pradhan Mantri Kisan Maandhan Yogna, though desirable, will not result in long run asset generation.

Measures to implement

The intensification in government spending towards the agricultural sector is the key to attain the sustainable development goals of higher agricultural growth and farm income. The focus on development of irrigation facilities, urban infrastructure and development of national highways must be complemented with an emphasis on the development of rural infrastructure and rural transportation facilities, along with an increase in the number of markets as suggested by the National Commission on Farmers. These measures will play a crucial role in enhancing farmers' access to markets and integrating small and marginal farmers into the agricultural supply chain to a greater extent.

(Poomima Varma is a faculty and chairperson at the Centre for Management in Agriculture, Indian Institute of Management Ahmedabad.)

The Hindu
9 February 2022

वज्रवज्रवज्रव

AGENDA: FORESTS FOR REAL

Sunitha Nair

We need fifth - generation forests reforms that will secure forests for growth and livelihood.

The big picture from the “India State of Forest Report 2021” (ISFR 2021) is this: India’s forest cover has increased between the last assessment in 2019 and the latest in 2021 by a minuscule 0.16 million ha—a rise of mere 0.2 per cent. This is not boast-worthy, not even noteworthy.

The increase in forest cover has happened outside recorded forest area, or forest land under the control of state government’s forest department. This growth has also happened mainly in forests that are categorised as “open”-forests with canopy cover between 10 and 40 per cent. This shows that forests are growing because people are planting trees on their individual lands, and are planting non-forest species, since there are huge restrictions on planting and felling trees listed in the Indian Forest Act, 1927. These forest lands would thus include plantations of rubber, coconut, eucalyptus and even tea and coffee, which have tree cover of 10 per cent or more in any hectare of land.

The area “outside” the recorded forest is now a substantial portion of the green cover of the country. The forest cover “outside” recorded forest area is 19.72 million ha or roughly 28

per cent of the total forest cover. Now, add to this the tree cover count of 9.6 million ha. It aggregates to 29.32 million ha, which is as much as 36 per cent of the green cover of the country. This land outside recorded forests also contributes to 38 per cent of the forest sinks in the country, according to the Forest Survey of India.

The tree cover (trees outside recorded forest area) -scattered in individual plots- is close to 10 million ha, which is equivalent to the area under the very dense forests in the country. Mango, neem, *mahua* and tamarind are most important tree-species that provide livelihood benefits to their growers. Very dense forests, with canopy cover of over 70 per cent, are now just 14 per cent of the forest cover (or 3 per cent of the country’s land area). Of this, 70 per cent and more are found in districts classified as tribal.

Most importantly, vast areas of the country’s recorded forest does not find any mention in the report. This area is as much as 25.87 million ha—one-third of the land under the state forest department. The biggest takeaway is, therefore, that forests with forest departments are not growing; and one-

third of their land is not even fit for assessment. *Forest cover is growing in spite of the government, not because of it.*

REINVENT FORESTS FOR FUTURE

ISFR 2021 should make it clear that we need to rework our forest strategies urgently. We need fifth generation forest reforms (5-G forest reform), which will secure forests for growth and livelihood.

Forest management started in India with the colonial British government, which took away community lands and nationalised them. The forests were meant for extraction to aid the colonial government's economic exploitation of the country's resources. The first phase of post-Independent India continued this extractive system. The second phase started in the 1980s, when the Forest Conservation Act and its subsequent amendments were passed, centralising the "diversion" of forest land. The push for this was the growing awareness of the rate of deforestation in mid 1980s.

The third phase came with the mission for afforestation-first it was about growing trees outside forests, in the wastelands that were thought to exist across the country. Soon it became clear that the real wasteland was in the lands controlled by the

forest department. It also became clear that survival of the trees required people to keep their livestock out of the afforested wasteland-it required villages to protect the land and to be partners in afforestation. Thus started the Joint Forest Management (JFM), under which local communities would get usufruct rights to forest produce like grass and would guard the land in return so that forests grow. JFM did not succeed because it was a scheme in which state forest departments remained unwilling participants. The forest department showed up only when the trees, protected over the years, were ready for harvest. As part of the agreement, money was to be transferred to the village community. But as has been documented in cases from across the country, the final cheque paid for the forest produce was for such small amounts that it was a joke on the community. It broke trust of people. It destroyed a movement to grow trees and then to fell those so that they could be grown again.

The fourth phase continues till today where forests are a permanent battle ground. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006, has corrected a historical injustice, giving communities rights over land they have been living on. According to data from the Union

Ministry of Tribal Affairs, till February 2022, some 1.71 million ha of forest land was “settled” as individual rights to people. But there is little attention to the need to afforest these lands and more. This in spite of the fact that we have all the grandstanding announcements of Green India Mission and the funds collected through payments for compensatory afforestation. In reply to a Parliament question in 2020, the Union Ministry of Environment, Forest and Climate Change said that the Compensatory Afforestation Fund Management and Planning Authority, that works under the ministry, has transferred close to ₹50,000 crore to states for planting trees. There is no report card on the trees planted and their survival rate. IFSR 2021 should make it clear that little “forests” have grown on these governmental lands.

So, it is time for reworking and reimagining the forests for the 5-G reforms. This in times when, on the one hand, there is a need for enhanced protection of the remaining forests for ecological security, and on the other, there is a crucial need to build resilience of communities who live in these habitats-all in the times of increased risk because of climate change.

The 5-G forest reforms should be based on the learning from the past-we must shed reticence to plant what will

be cut. The fact is that while the first phase of forest management in the country was extractive and exploitative, this 4th phase continues to be based on conservation to the extent that felling trees planted on one’s own land has become a crime. Today, India has to import much of its wood products, and according to a recent report by the International Tropical Timber Organization, a Japan-based inter governmental organisation, this is often sourced from illegally cut forests in Africa and other nations. This clearly does not speak well for a country that has set aside 23 per cent of its land for forests.

So, the future agenda for forests must be:

AGENDA 1

PROTECTION OF THE REMAINING VERY DENSE AND ECOLOGICALLY SIGNIFICANT FORESTS IS CRITICAL

We cannot afford to lose even a hectare of this high quality and biodiverse forests. Therefore, forests for highest level of protection should be identified and this data be made available so that clearance is not granted for projects in such areas.

It is equally important to recognise that the bulk of these very rich forests are found in the habitats of the poorest

people in the country. This means doing much more to build strategies for ecological payments to the communities that co-exist on these lands. They must benefit from this protection, not be worse off, because these lands are important for conservation.

The cartography of India-the map where the tiger roam, the dense forests exist, where minerals are found, where rivers come from, but also where the poorest, most marginalised live-must change. This can only happen if we make people partners in conservation and not dismiss them as “biotic pressure”.

In 2002, the 12th Finance Commission set up an incentive-based grant, as per the area of forests in the state, to reward the states for conserving forests. The 14th Finance Commission made this “grant” unconditional, which means the states are free to use it as they want, but nobody really knows where it comes or goes. It seems the idea of ecosystem payment for conservation, has been lost. This payment needs to be given to communities that live near the protected, high-value forests. This payment is for ecological services rendered because conservation is happening in their backyard and at

their cost. It also means that we need to put a real value on these forests, which are today key for biodiversity conservation as well as carbon sequestration.

AGENDA 2

PLAN TO CUT AND PLANT AGAIN ON FOREST LAND WITH COMMUNITIES

The reason vast areas under the forest department remain degraded is that they are also habitats of people and their livestock. This is why planting trees needs involvement of communities. FRA has a provision for community forest management and it is time the states made it work. But for this to happen, trees will need to be cut and then planted again, and this means making a business of the minor and major forest produce. Felling of trees is not the problem; the problem is our inability to replant and to regrow them. This is what needs to be fixed. It is time we brought back the saw-mills so that wood can be used to replace cement or aluminium or steel in housing and in furniture. We need a wood-based future. This is good for climate change and if we do this in ways that benefit the communities, then it is good for their livelihoods and for building local economies.

AGENDA 3

END THE LICENSE-RAJ ON TREES OUTSIDE FORESTS

ISFR 2021 shows that people are planting trees on their lands, but what is not said is that this plantation is happening against all odds. Under the restrictive conditions that operate in India today; it is literally a crime to fell a tree even if you have planted it on your own land. People do not know if they will get permission to harvest it, transport it or sell it. Under the Indian Forest Act 1927, timber or other produce derived from trees outside forests are treated as forest produce. This is not all. State governments have added to this through their own Acts that govern felling and transit of different tree species. Today, it is a task riddled with high transaction costs and harassment. The fact is trees are like bank accounts. One generation plants it for exigency and another harvests it. Now this bank account has been demonetised or nationalised.

ISFR 2021 includes a fascinating assessment of the state of bamboo resources in the country. It estimates that there are 53,336 million bamboo clumps in the country, up from 13,882 million in 2019. The bamboo bearing area is estimated to be 15 million ha-roughly 20 per cent of the forest

cover in 2021. But the potential of this resource remains unutilised because of all the restrictions that come with cutting and transporting trees. After much discussions, the India Forest Act, 1927, was amended in 2017 to remove bamboo from the definition of tree to remove restrictions on its felling and transit in non-forest lands, but the progress is slow.

Foresters argue that this protection is needed since it is not possible to distinguish between trees grown inside or outside the forest. But as ISFR 2021 makes it clear, it is trees outside the forest that are today making the country green. It is time to rework the law to make this happen at scale.

India's tryst with forests started with the Chipko movement, when women living in the high Himalayas "hugged" trees to stop the felling by woodcutters. But we misinterpreted the movement. The women stopped the felling, not because they did not want the tree cut, but they wanted the right to decide when the tree would be felled. They knew their survival was intrinsically linked to forests-they needed these lands for fodder and for water conservation (and even for the privacy to defecate, as they told me when I travelled to them in the early 1980s). But we heard half the

message-it got truncated by the time it was relayed to the corridors of power in the plains. We heard that trees had to be protected at all costs; not that we needed to build a sustainable future that would be based on the utilisation of wood for local economies.

So, it is time we understood that all this is only possible when protecting and growing trees becomes a business that benefits people who live on the forest lands. Otherwise, the “missing” forest land will remain forest on paper only.

Down to Earth
16-28 February 2022

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THE IMPORTANCE OF CASTE DATA

Pallvi Hooda

Data will help us determine who needs and does not need affirmative action and the effectiveness of such a measure

Last month, the Supreme Court upheld the 27% quota for Other Backward Classes (OBC) in the All-India Quota seats for the National Eligibility-cum-Entrance Test and reiterated that reservations for backward classes were not an exception but an extension of the principle of equality under Article 15(1) of the Constitution. The judgment highlighted how open competitive exams give the illusion of providing equal opportunity in ignorance of the widespread inequalities in educational facilities, the freedom to pursue such education, and societal prejudices. The Court pointed out how such disparities are not limited to the issue of access to good education or financial constraints alone, but also to the psychological and social effects of inherited cultural capital (communication skills, books, accent, academic accomplishments, social networks, etc.), which ensures the unconscious training of upper-caste children for high-grade performance.

The Constituent Assembly held a similar philosophy while introducing constitutional provisions which enable the government to make special provisions for the uplift of the “lower castes”.

However, despite the underlying good intentions, positive discrimination has been a controversial topic. Many oppose affirmative actions like reservation; they believe that such provisions only perpetuate caste differences and they call for a “casteless society”. As Justice D.Y. Chandrachud pointed out, “castelessness” is a privilege that only the upper caste can afford because their caste privilege has already translated into social, political and economic capital. On the other hand, individuals who belong to the lower castes must retain their caste identity in order to claim the benefits of measures such as reservation, which recognise historic harm.

Promises without justifiable data

But even for those who are conscious of these issues, it is hard to blindly trust the state's motivations because of the caste and class politics ruling our country today. Political parties often promise reservation for communities on being brought to power without any credible data collection exercises to justify the decision. Not long ago, the Supreme Court struck down the reservation for the Maratha community in Maharashtra in excess of 50%, which was the limit set in the Indra Sawhney case, while observing that "when more people aspire for backwardness instead of forwardness, the country itself stagnates which situation is not in accord with constitutional objectives".

Need for a credible exercise

Against this backdrop, it can be said that the faith of our citizens cannot be restored until credible exercises of data collection are under

taken regarding caste. Even though data concerning the Scheduled Castes and Scheduled Tribes have been included in the Census, there is no similar data on OBCs. The Socio-Economic and Caste Census (SECC) conducted in 2011 has been called "faulty" and "unreliable". Even the Mandai Commission's recommendations were criticised as being based merely on the "personal knowledge" of the members of the commission and sample surveys. In the Indra Sawhney case, the Supreme Court held that the States must conclude the "backwardness" of a particular class of people only after proper assessment and objective evaluation. It held that such a conclusion must be subject to periodic review by a permanent body of experts. The National Commission for Backward Classes Act, 1993, provides under Section 11 that the Central government may every 10 years revise lists with a view to exclude those classes which have

ceased to be backward and include new backward classes. This exercise has not been done to date. Last year, many calls were made for the inclusion of caste data (including that of the OBCs) in the 2021 Census, and the matter reached the Supreme Court. However, the government took the stand that the 2011 SECC was “flawed” and is “not usable”. Since the Census could not be undertaken in 2021 due to the pandemic, it is set to take place in 2022.

Caste data will enable independent research not only into the question of who does and does not need affirmative action but also into the

effectiveness of this measure. As long as reservation results from violent agitations and political pressures, attempts at any affirmative action will always be under the shadow of caste and class politics. Impartial data and subsequent research might save the bonafide attempts of the uplift of the most backward classes from the shadow of caste and class politics and be informative to people on both sides of the spectrum - for and against reservation. It is not reservation that creates the current divide in our society but the misuse or the perceived misuse of reservation.

(Pallvi Hooda is a Delhi-based advocate)

The Hindu
16th February 2022

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NEW INDIA GOAL - AN ASSESSMENT

Vijayalakshmi V.

The NITI Aayog, in 2017, began putting together a five-year plan based on a call given by Prime Minister (PM) Narendra Modi who had pledged and asked others to pledge to create a New India by 2022. As per news reports, NITI Aayog consulting with Ministries, States and other individuals and institutions, came up with a 200-pages document listing possible achievements. 1,400 stakeholders were consulted and the Strategy was signed off by the PM who is reported to have written 'let us combine our energies to achieve the targets outlined in the Strategy, thereby fulfilling the aspirations of our citizens'. The targets included taking GDP growth to 8%, raising investment rates to 36%, raising tax-GDP to 22%, increasing female labour force participation rates to 30%, improving data collection on employment, doubling the growth of manufacturing sector (through Make in India schemes) and doubling farmers' income.

Facts - The rate of GDP growth began to fall in almost sequential fashion quarterly beginning in January 2018. For 13 quarters before the pandemic, it

declined before arriving at 3.1 % in the last quarter of 2019-20. The pandemic arrived and the economic activity was hit. The investment rate is less than 30%. The Centre's tax-GDP ratio fell from 11 % in 2019 to about 10% in 2020 and has been at that level. Labour force participation rate of 40% is lowest in South Asia and almost half of that of China and Vietnam as per Economic Survey. The government's data also shows the same and it is worrying that the rate has been a long term and secular decline which the government has not acknowledged and hence no measures are taken to correct the status. Not only female labour force participation is poor, but even the male labour force participation is weak, because of lack of job opportunities. Unemployment rate has remained over 6%. The share of manufacturing to GDP fell from 16% before Make in India to 13%. The automobile sector (half of all manufacturing) has witnessed decline for almost a decade. The income of farmers has not shown much improvement. The RBI's Consumer Confidence Survey tracking current perceptions compared to

previous year on the economic situation, employment and inflation has been trending negative (except for March-April 2019) for five years.

In 2020, Gujarat, Uttarakhand, Himachal Pradesh, Karnataka, Madhya Pradesh and Tamil Nadu amended their Agricultural Produce Market Committee (APMC) Act along the lines of the Centre's Farm laws, which intended to open up for the private traders. It also restricted the jurisdiction of APMCs while the Centre repealed the farm laws in November 2021, the APMC Amendment Act continues to be in force in the States. Karnataka's amendment lacks the dispute resolution mechanism outside the market yard provided for in the repealed Central Law. The new law has created two parallel markets for agricultural produce- the APMCs where traders take a licence, pay a fee (0.6%) and are monitored; others trading outside the market yard, trade without any supervision, fee or regulation. This has led many licenced traders (commission agents and merchants) operating outside the market yard . This has resulted in farmers missing essential services when trading outside the market yard-price discovery mechanism, dispute settlement, the guaranteed sale of their

produce and immediate payment. In the absence of safeguards farmers, traders and APMC officials across Karnataka face the problem of default on payments. The amendments remove the regulatory control of the APMCs, leaving the farmers at the mercy of the open market, with no clarity about the redressal mechanism. APMC Act also placed a duty on the APMCs to provide facilities for the transport of agricultural produce besides the provision of marketing facilities. How this gap will be filled by the private market is not known.

There is an urgent need for doubling farmers' income. But that cannot happen through subsidies, and present policies. The real need is to reduce the total number of farmers dependant on agriculture by creating more non-farm jobs for the village youth in their villages or nearby villages or towns. India also requires a large scale food processing to add value to the farmers' surplus produce (including fruits and vegetables) and well-structured warehouses to stock the surplus produce. There is a need to address the anomalies caused by the APMCs and the recent Acts of freeing the markets by publishing a whitepaper on the state of affairs in all the APMCs before and after the 2020 Amendment.

Anomalies in APMC can be reviewed and modified to facilitate better marketing system favourable to farmers and reasonable to traders.

India was among the first Asian countries to experiment with the concept of Special Economic Zone (SEZ) in the 1960s, which resulted in a series of export processing zones and export-oriented units, which did not yield the expected boost to exports. The Special Economic Zones Act passed in 2005, was designed to incentivise private investment in industrial infrastructure. SEZ developers and firms within them were given various tax exemptions. Export-import duties, excise, and 15 year tax holiday on profits were the main among exemptions. Also, the SEZ developers were allowed to create de facto private townships within these zones. These substantial benefits did not transform SEZs into engines of economic growth. As per the Commerce Ministry data, the exports from SEZs have seldom crossed 20% in the past five years. The weaknesses of the policy were evident from the beginning. The SEZ policy's reliance on the private sector created several problems. The breaks for the township development made SEZs a huge real estate play (the bulk of the initial SEZ applications came from realtors).

Instead of the gargantuan (that came up under State auspices China) allowing the massive economies of scale, the Indian law allowed for 7 types of zones- Multi-product or single sector. Most SEZs were small (between 100 and 200 hectares and many as small as 10 hectares), hardly conducive to price competitiveness on the China scale. Besides this, 70% of the SEZs were in the IT and ITeS (information technology enabled services) sectors, which was already a racehorse and did not require extra benefits. The share of job-creating manufacturing, the original purpose of the policy, has been consistently low because of the known problems of the transport and other linkages. The biggest hurdle was land acquisition. The bane of Indian business, policy instability in the form of a gradual withdrawal of tax breaks, sharply reduced the attraction of SEZs. Hope their failures offer useful lessons for the government; real lesson is that creating investment havens can work only if whole country is geared to that end.

Indian industries in future must be inclusive, international, innovative, and independent. Companies could be more inclusive by investing reasonably well corporate social responsibility (CSR)

funds in education and skilling, thus building human capital. Inclusive also applies to markets for products and services of the companies. Indian companies should be more international (like Bajaj Auto, which gets half of its sales from exports). Rahul Bajaj was the articulate voice of and for Indian industry in forums around the world (World Economic Forum, the Harvard Business Schools, the Commonwealth Business Council etc). Innovative is another requirement. Companies must be more independent. Dependent on government for protection and favours must be minimal. Company heads must be able to praise government measures when it is due and is deserving and also be able to criticising when necessary (Naushad Forbes, *Business Standard*, February 17, 2022).

About 600 large firms (revenue of over \$500 million) account for around 48% contribution to nominal GDP. 40% of overall exports and 20% of direct formal employment. As many as 6.3 crore micro enterprises are unviable; India has

half the number of mid-sized firms (with revenue of % \$40-500 million) compared to peer economies. India needs 1,000 more large firms in line with peer economies and 10,000 mid-sized firms by 2030 according to an assessment by Anshuman Tiwari & Anindya Sengupta (Countdown, 2022). Such scaling up from micro to mid-sized and from medium to large, would significantly increase productivity, innovation and employment. For a reasonably good progress, there is need to revamp the social welfare, poverty alleviation - subsidy structure, provision of a decent minimum wage, provision of a specified basic income / inclusive growth dividend for the economically weaker section, and, invest in Universal Health care. Periodic monitoring, evaluation and follow-up to ensure the reforms are properly implemented is necessary to ensure a positive growth. Transparency and accountability at every phase of developmental activities is important.

Southern Economist

1 March 2022

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ENTREPRENEURSHIP AT THE GRASSROOTS

Asit Banerji

Taking the view that the official practice of clubbing medium, small, and microenterprises in one category is not sound, this study points out that these categories are substantially different from each other in terms of size, structure, resources, and business perspectives. Microenterprises, in particular, represent a different ecosystem whose nuances must be understood carefully so as to provide suitable inputs for an effective policy on them

India's industrial policy has traditionally laid great emphasis on medium, small, and microenterprises (MSMES) on the grounds that they have the capacity to generate output and employment with relatively less capital than large industries. They also help to make industrialisation more broad-based and involve small and micro entrepreneurs at the grassroots level. The MSME sector was not to be perceived simply as a cluster of small enterprises but as one that would play an important role in providing a means of livelihood and income to the poorer sections of society.

These expectations have been fulfilled to an extent. According to the 73rd round of the National Sample Survey (NSS) during 2015-16, the estimated number of workers in unincorporated, non-agricultural MSMEs in the country was 11.10

crore. According to the Central Statistics Office, the share of MSME-related gross value added (GVA) in the national GVA during 2016-17 was 31.8%. As per the Directorate General of Commercial Intelligence and Statistics (DGCIS) figures, the MSME sector accounted for 48.10% of the country's exports in 2018-19. Given its huge size and significance for the economy, all aspects of the sector merit a careful scrutiny, so that the right kind of policy inputs can be derived to enable it to perform to its potential. This paper deals with a specific aspect of the MSME sector—the unorganised, informal micro industries section. It is an attempt to understand the dynamics of entrepreneurship at the base of the industrial structure and to analyse its role in the development process of the economy.

Before proceeding to the main study, a brief digression into the small-versus-big (enterprise) debate may help place the Indian policy strategy in perspective. Despite enough historical evidence on the crucial role played by small enterprises in the development of various countries, opinions questioning the wisdom of nurturing small enterprises keep coming up. La Porta and Shleifer (2014) present a review of such opinions. It shows that the positions taken by various scholars on this issue range from outright rejection (Levy 2008) to a grudging tolerance of small and tiny enterprises alongside the prediction that they will eventually disappear because of competition from larger, more capital-intensive and technologically advanced industries. In La Porta and Shleifer's words, "Development comes from formal firms and their expansion as the economy modernises eventually dooms the informal economy." According to them, the consensus of opinion is that the unofficial/informal economy with its millions of entrepreneurs "producing low-quality products for low-income customers using little capital and adding little value" has little to contribute to modern economies and can be expected to disappear over time. The authors adduce a lot of empirical evidence from across the world to support the point.

Taking an overview of the debate, the central concern seems to have been the low efficiency and productivity of small and tiny enterprises relative to large, modern industries. Such concerns have been expressed by Indian researchers as well. For instance, comparing the performance of the unorganised and organised manufacturing sectors in the post-reform period, Kathuria et al (2010) find the former lagging behind in most efficiency parameters, such as labour productivity, total factor productivity, and capital-labour ratio. The low efficiency of the small industries sector is not surprising because most of them are poor in terms of material and human capital. It would be very difficult for these firms to raise their level of capital intensity and technology to that of larger and more resourceful firms. Nevertheless, while the immediate issue is improving the efficiency of the not-so-efficient firms, there are deeper and broader issues that need to be considered while positioning small/micro industries in the larger developmental context.

The views presented by La Porta and Shleifer (2014) and that proposed by Indian policymakers represent two ways of coping with the fallout of uneven capitalist development. The former stresses efficiency with the objective of achieving an efficient market system, whereas the latter lays

emphasis on inclusive growth with the aim of providing sources of livelihood and income for the masses. The present paper argues that the latter objective is better achieved through microenterprises and they should be provided with the necessary policy support to do it. In this context, it is worth noting that some Indian scholars have invested a considerable amount of effort in analysing the question of inclusiveness in the Indian context.

Deshpande and Sharma (2013) and Iyer et al (2013) have investigated the involvement of the Scheduled Castes (SCs), Scheduled Tribes (STs), and other marginalised groups, including the Adivasis and women, in the MSME sector. Deshpande and Sharma used unit-level data from the registered manufacturing segment of the MSME census data from 2001 to 2006-07, while Iyer et al used data on enterprise ownership from the economic censuses. The general refrain of these studies was that the SCs, STS, and other marginalised groups were significantly under-represented in the ownership of private enterprises and employment generated in them. There was the need to further investigate the reasons behind this if suitable enabling policies were to be devised for marginalised people.

Finally, a word on our position vis-a-vis the current debate. The arguments developed here are in the context of an under-developed economy with mass unemployment and underemployment, where labour absorption is a prime consideration for generating sources of livelihood and income on a mass scale. This makes microenterprises very important. However, poor economies are not going to remain poor forever. As and when capital accumulation and modernisation pick up, the relevance and significance of labour-intensive, low-technology microenterprises are bound to fade.

Data and Methodology

The Centre for Economic and Social Research (CESR), Delhi, along with some scholars from the Institute of Economic Research, Hitotsubashi University, Japan, carried out a pilot study on a sample survey of 506 manufacturing and services units in the MSME sector in North East Delhi to list of unregistered firms in the informal sector, the sample was chosen from the Shahdara Industrial Directory (2013) maintained by the Jhilmil Industrial Association. The sample was designed in consultation with experts from the National Sample Survey Office involved in designing unorganised sector surveys. The sample of 506 firms was chosen from a total

directory lists firms located not only in the Jhilmil Industrial Area (JIA) but also the surrounding areas. They were spread over 10 different locations, with the JIA being the largest. The directory has both manufacturing and services units. The median number of employees among the 506 sample firms was four. About two-thirds of the firms were manufacturing concerns and the rest were mainly service units.

In the course of the investigation, it was realised that the category of MSME in its official classification is a little too broad in scope as it includes industrial and service units that differ widely from each other in terms of size, structure, and the resources employed. It also came out that, generally, medium and small industries belong to what may be called the organised industrial sector as they function within a formal legal framework. In contrast, micro units are mostly unorganised and operate without much constraint. Micro/tiny businesses such as vegetable and fruit stalls, small shops, and wayside eateries are usually run by individuals of small means with very limited capital and human resources. They hardly have any skills beyond traditional and artisanal trades such as carpentry, masonry, forging, and so on.

Given the distinct characteristics of the two sets of enterprises, it was felt that they needed to be studied separately for a clearer appreciation of their respective roles in the economy.

The present study concerns micro or tiny businesses run by grassroots entrepreneurs who launch and manage them, no matter how small they may be. These tiny enterprises together form a distinct ecosystem with its characteristic problems, practices, and motivations. In view of this, it was realised that the data collected through the sample survey would not be able to adequately represent the sector, mainly for three reasons. First, the data pertains to a mix of enterprises rather than microenterprises in the informal sector per se. Second, the data excludes self-employed businesses that do not have a fixed office, store, or workshop. This excludes a huge proportion of micro businesses that cannot afford a fixed or stable location. Finally, the data provides no clue about the distinctive socio-economic and behavioural characteristics of this class of entrepreneurs.

To fill in some of these gaps, we have used data collected earlier at the CESR in connection with a study of the cycle rickshaw sector. This is on the assumption that behavioural and socio-economic parameters usually are fairly stable and do not change in the

short run. More important, in addition to the sample survey, some select case studies (of units, all together about 10% of the sample size, and engaged in diverse trades such as wayside eateries, vegetable and fruit stalls, making and selling simple wooden contraptions, and ready-made garments, to name only a few) were also carried out to deepen our understanding of the dynamics of entrepreneurship at the lowest rungs of business. The personal interviews and case studies turned out to be particularly enriching experiences, revealing many interesting social and behavioural aspects of entrepreneurs in microenterprises.

This study excludes modern, state-of-the-art start-ups, which, though often small in size, are run by highly skilled and educated entrepreneurs, who operate with entirely different motives and business perspectives. They form a class by themselves and have little in common with the mass of micro/tiny enterprises at the base of the industrial pyramid.

We report some of the findings of the study on the basic characteristics and problems faced by micro and tiny businesses that exist in all large and small towns across the country. We sought answers to some basic questions, which, we thought, would be of concern to all microbusinesses, no matter where they were located.

The response to these questions, we felt, would reveal the difference in the way business was perceived by these entrepreneurs and those in the organised or formal sectors. The broad points of investigation were the following. Who are grassroots entrepreneurs? What are their characteristics? What kind of problems do they confront while running their businesses? How do they contend with these problems? What kind of policy initiatives can help and support these enterprises?

Who Are They?

In our sample, the people engaged in businesses at the grass-roots level were overwhelmingly poor rural migrants (98%) who were forced to leave their homes in villages for cities in search of better earning opportunities. More than half (60.03%) of them were landless labourers, while many others were small and marginal farmers (about 30%). Besides those who were directly engaged in agriculture, there were some who had earned a living through petty occupations in villages, such as artisans, ironsmiths, shopkeepers, transporters, and so on. In general, their earnings from land and other activities were insufficient to meet the essential needs of their families, such as food, education of children, and health. They possessed little by way of

capital or skills and were largely illiterate or minimally educated (85%). In terms of social status, they mostly belonged to the lower castes, minorities, and other marginalised communities (about 70%). Overall, they were from the economically and socially underprivileged sections of rural society.

It came out clearly in our investigation that their migration to cities was basically because of agricultural or rural distress, which had led to widespread poverty and loss of livelihoods in the countryside. Lack of resources made it difficult for them to invest in land, leading to degradation of the soil and low productivity. The proliferation of petty economic activities at the grassroots level in urban areas is nothing but a manifestation of the progressive impoverishment of the marginalised in the countryside and their distress migration to urban areas. Ironically, this distress migration helps to reduce poverty in rural areas, but it swells the ranks of the urban poor, adding to problems such as the growth of slums, crime, and puts a great strain on civic amenities and utilities.

Typically, the dominant motive of rural migrants setting up of sundry businesses in towns, in the initial stages, is economic survival and the security of their families in a new set-

up. This naturally tempers their initial decisions such as their choice of occupation and its location. Choosing an occupation is seldom a purely business decision. In most cases, it is dictated by seniors who migrated to town earlier and now act as mentors to the newcomers. However, once the migrants stabilise their businesses, they tend to become more independent and business-minded.

Similar considerations come into play in the choice of location for a business and a place of residence. The initial tendency is to seek a location where there is a concentration of people from the same village/region or the linguistic group to which the migrants belong. But as familiarity with the business and the new social milieu increases, people tend to lean towards what is conducive to ease in doing business and better earning opportunities.

The situation is different in the case of women entrepreneurs for two reasons. First, women see their work as supplementary to the work of the main breadwinner of the family, the husband. Second, their duties towards their families and children almost always have precedence over their business obligations. Their perception of business includes both. At this juncture, it is important to note the key role that the social network plays in the process of migration, from initially nudging the migrant to shift to town to

supplying post-migration career planning and help with settling down. The social network provides the necessary initial information and the social support to induct new migrants into the urban set-up.

Are They Entrepreneurs?

Millions of people migrating to towns and setting up their own businesses is not an insignificant phenomenon. It is a massive socio-economic process that goes on almost unnoticed, with significant implications for the economy and society. It is noteworthy that these people, coming into an alien environment, carve out a space for their businesses and dwellings on their own, without any kind of state help. They conceive, launch, and also manage their businesses and, in the process, generate employment, output, and income in the economy. It is significant that most of the respondents in our sample explicitly expressed a preference for running an independent business than holding a petty job in some small shop or workshop at very low wages. It was clear that they valued the freedom to choose their occupation and style of work.

This, we believe, indicated a business temperament among them in spite of their poor economic condition and background. Our impression was confirmed when we collated our data

to trace the business careers of our respondents from the start to the present. Even though their initial foray into business may have been due to force of circumstances, subsequent experiences helped them discover their own entrepreneurial ability, which stood by them later in their business careers. Probing individual motivations revealed that our respondents not only had entrepreneurial inclinations but also nurtured ambitions of innovating and growing if they were not restrained by the lack of resources and administrative and regulatory hurdles put up by local authorities.

This became more evident when they were questioned about their future plans, particularly for their children. All of them wanted to educate their children to the maximum extent possible so that they would be equipped for a bright future, even if it meant borrowing from commercial sources at high rates of interest. This indicated a progressive world view that desired change and better lives for themselves and their offspring. It brings us close to the view of Peruvian economist De Soto (1989) who held that there is often hidden entrepreneurial talent among people working at the lowest rung of industry, which can be nurtured and brought to fruition if supported by adequate policies at different levels of government.

The Macroeconomic Aspect

It is often overlooked that the growth of microenterprises in cities has significant macroeconomic implications. As per the 73rd round of the NSS (2015-16), there were 633.88 lakh unincorporated, non-agricultural MSMEs in the country. It was estimated that 90% to 95% of them were microbusinesses, all of them together engaging more than 100 million people.

While struggling to establish a foothold in the urban economy, migrants generate employment and income for themselves and often for a few others as well. As for income generation, there was unanimity among our sample respondents that migration to the city had done them a lot of good. Starting almost from scratch, many of them were able to earn enough to sustain themselves and their families and even save something. In our sample, the monthly income of the respondents varied between ₹8,000 and ₹22,000, with a median value of about ₹15,000, which was higher than what they would have been able to earn in their villages. This process by which the rural poor are able to earn their livelihood by partaking in the urban growth process is a singular contribution of the microbusiness sector to the macroeconomic system.

Besides generating employment and income, this process also leads to the transfer of some of the income earned by the migrants to their families in villages. Such an inter-sectoral transfer of income, as far as it contributes towards improvement of living standards of less-developed rural areas, is a welcome feature of the growth process.

The macroeconomic significance of the above process becomes apparent if it is borne in mind that to generate the same results in terms of incomes, employment, and its regional spread through state-run programmes would involve huge amounts of public resources, both monetary and administrative. The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) programme, which has involved huge public expenditure over the years, is an apt example. In addition to the monetary burden, there is the administrative challenge of running a huge nationwide programme. There are problems such as state governments not being able to provide the stipulated 100 days of employment a year, delays in payment of wages, and also of corruption in the administration of the programme at the ground level.

In contrast, the microbusiness sector grows and operates entirely through the individual initiatives of millions of under-privileged people, without imposing any financial burden on the state or society. It is hardly noticed except, perhaps, when it poses civic problems due to its haphazard growth.

Problems in Doing Business

We have so far described the nature and characteristics of grassroots entrepreneurs and their businesses. We now try to understand the business environment at the ground level within which microbusinesses have to function by looking into two basic problems faced by them.

We first take up the issue of ease of doing business. This is a much-discussed concept popularised by the World Bank, which basically implies removing obstacles in market channels such as cumbersome and obstructive regulations, bureaucratic red tape, and political interference so that resources can flow smoothly across the economy. This leads to their better allocation and greater market efficiency. Looking at the problem in this manner is appropriate in the context of an organised market economy. The situation, however, is fundamentally different in the case of unorganised microbusinesses which, organisationally

and behaviourally, fall outside the realm of a typical market economy. Here, the primary issue is of survival in an alien and unsympathetic business environment. In such circumstances, ease of doing business really means being allowed to do business without undue harassment.

Living on the periphery of an urban ecosystem, the poor most often have to settle for make shift arrangements, both for shelter and work. Such arrangements are seldom provided for in any urban settlement plan and are therefore termed illegal. Once identified as illegal by the municipal/local body, these businesses and dwelling units exist in an environment of uncertainty and threat, exposed to the possibility of exploitation by the police, civic authorities, and even local goons, who extort money to let them carry on with their business. This was evident in our personal interactions with individuals running such businesses. The main refrain was the need for a safe and stable business environment. This turned out to be their paramount concern rather than market efficiency. Ease of doing business for them was not just a market issue but an existential question connected with their livelihoods.

The second but equally important issue was that of fund mobilisation. The need for capital to run a business is unavailable no matter how big or small the business is. However the ways finances are raised and deployed differs between businesses of different sizes and kinds. The findings of our investigation into this problem were as much striking as significant. None of our sample entrepreneurs had even used any form of institutional finance, including bank loans, for their business. We were given to understand that such a situation was not peculiar to our sample but was almost universal with this class of entrepreneurs. Some of our respondents had a vague idea about government programmes providing concessional finance to small businesses but were not very curious about the details of such schemes.

When questioned about this, they expressed a desire to seek loans from financial institutions, particularly banks, but ruled out approaching them in their present circumstances. They cited intimidating procedures, and the demand for various documents and collateral that would be made on them by the banks. Further, banks would also question them on the viability of their project. Poor people, engaged in petty activities, with hardly any education could not be expected to produce any kind of detailed project report; they mostly proceed on a trial-and-error-basis and settled on a business that they found viable in

their situation. Banks also required that the applicants provide them with a permanent address in the city, which most of them seldom had. Pursuing bank loans often meant a lot of running around, time wasting, and harassment, which also led to loss of work days and earnings.

Finally and very importantly, these small borrowers were often treated with contempt by bank officials, discouraging them from doing business with them. Sharing their experience with us, many of our respondents told us that the officials quite often flatly refused to consider their applications without assigning any reason. Overall, small borrowers felt intimidated as they could neither effectively communicate nor argue with the officials. As a result, they lost all interest in having any dealings with banks or the government-sponsored schemes offered by them. Therefore, we are still a far cry from assuring financial inclusion to underprivileged micro entrepreneurs.

On further probing, it was interesting to find that our respondents were not overly worried about not receiving bank credit or other kinds of institutional finance. This was because they had a workable financial system within their social network of friends, relatives, and local *sahukars* (money lenders). Such a system was both informal and flexible and deals could

be negotiated according to the mutual needs and convenience of borrowers and lenders. It was neither rule-bound in the legal sense nor did it formally prescribe punishments for default. The main reason for preferring these sources was the ease with which money could be borrowed. The system was flexible to the extent that it left scope for “adjustment” in the terms of the loan even after a deal was finalised. It is for this advantage of ease of borrowing that small borrowers were willing to pay three to four times the interest rate charged by banks to the sahuakar or such agents. We were also told that if a borrower was able to get financial help from relatives or friends, the loan would have only a nominal cost or even be interest-free. This happened when transactions were based on mutual understanding, trust, and reciprocity. The cost of credit thus depended on who borrows and from whom.

We came across a variety of informal arrangements for borrowing and lending, with varying terms and conditions. For instance, there were very small businesses that borrowed money in the morning for carrying out their daily business transactions and returned the borrowed sum with interest at the end of the day. Both the borrower and the lender made money in the process. The borrower was able to carry out their daily business (say, selling bananas) while

the lender earned interest as a reward for advancing timely credit. We also came across cases where men utilised money borrowed by their wives through self-help groups (SHGS). Most of our respondents were of the view that taking the non-monetary cost into consideration (such as harassment by officials and agents, and loss of work time), the loans acquired through informal arrangements were cheaper than those obtained from the banks.

There is, however, an important limitation to the informal system. It will be adequate as long as businesses remain very small and their financial needs are limited. If and when the size of businesses grows beyond a point, the informal system will not be able to cope with their requirements and the need for a more formal and resourceful lender will arise. The key question then would be about the size and nature of the lending institution that could cater to the peculiar needs of this sector, both financial as well as behavioural.

Concluding Observations: Policy Issues

In official classification, MSMEs have been clubbed together and policies have mostly been formulated for the sector as a whole, which, in effect, means for only the medium and small sectors, leaving microenterprises outside the picture. As a result, no policy framework is available that specifically pertains to the micro sector

per se. Microbusinesses have mostly only been the focus of law-and-order authorities, who want to bring order to their unorganised and haphazard existence. This study takes the view that given its overwhelmingly large presence, this sector deserves more serious support to not only help it grow but also to streamline its activities within a rule based system to the extent possible.

The most reliable policy clues for the sector flow from its peculiar characteristics described earlier. It was noted that the sector is vast and varied, consisting mostly of people engaged in low-technology, labour-intensive manufacturing, petty trades such as running small shoppes, selling relatively small consumer goods for daily use, running wayside dhabas (eateries) and providing services as electricians, masons, cycle repairers, and so on. Given its size, diversity, nature of business, and structure, it is a challenge to frame policies for this sector. Obviously, it cannot be based on a one-size-fits-all approach. Instead, it may be appropriate to follow a cluster approach, taking care to define each cluster so as to ensure broad uniformity in characteristics such as

size, nature of business, and location. Needless to say, as the clusters differ, so would the policies.

In spite of its apparent heterogeneity, there are some common problems that afflict microbusinesses across the sector. Such problems partly arise because of poverty and lack of education and awareness among those involved in the sector, which puts them in a weak bargaining position vis-a-vis the civic authorities, the police, and even the local goons. Earlier, we considered two of the most basic problems faced by micro entrepreneurs ease of doing business and fund mobilisation. We now propose some policy alternatives for tackling such problems.

Ease of Doing Business

We first take up the issue of ease of doing business. As discussed, this concept, in the context of micro businesses at the grassroots level, boils down to simply being allowed to do business without undue hassles. For a poor person trying to set-up a business, the first priority would be to be able to run the business and survive in an alien environment of threat and uncertainty. Informal businesses very often operate

from unauthorised premises and they are usually under the constant threat of being evicted. Their wares are also in danger of being confiscated by the law-enforcing authorities on charges of unlawful occupation of space. Perhaps, the most meaningful policy support that could be given to such people would be providing them some form of legal legitimacy, along with a proper place of work.

One way of doing it could be through licensing or registering microenterprises. This would help boost their confidence and encourage them to expand the scope and nature of their activities. Perhaps, the most effective way to provide them with a stable business environment would be to provide them with premises that have some common facilities such as water, power, and transport and communication facilities. Providing these through a well-regulated system can go a long way towards ensuring an environment of orderly growth without individuals resorting to illegal shortcuts. Many local governments provide such facilities through creating business clusters, or industrial complexes with a provision for micro units in a single

location. Such facilities, if judiciously planned by taking care of the needs of the units in a cluster, can help improve the performance of the participating units.

As noted, a major disadvantage of people migrating from rural or semi-urban areas is their lack of skills and education. International experience has established that sustained development of this labour-intensive sector will not be possible unless there is progress in these two areas. Japan is an outstanding example of how a country persistently strove to perfect its technology even at the lowest level before it excelled at the higher levels. While this is an example worth emulating, its implementation at the ground level can pose many difficult problems, especially in the context of a multitude of microenterprises. The key problem here would be creating suitable institutions and systems for disseminating knowledge and initiating incentive schemes to encourage grass roots entrepreneurs to avail themselves of the facilities. Existing industrial training institutes (ITIs) and industrial firms can play a crucial role in achieving such an objective by making it a part of their corporate social responsibility.

It is common knowledge that Japan and subsequently South Korea, along with several South East Asian countries and China, depended greatly on their microbusiness sectors in the early stages of their industrialisation. This not only generated employment on a mass scale but also enhanced productivity and product quality, pushing up labour-intensive exports. Micro entrepreneurs played a key role in bringing about export-led growth in those countries. One of the driving forces behind the export-led model was technological upgradation of labour-intensive industries, which led to continuous improvement in productivity and product quality. Japan began its export drive by producing inexpensive consumer goods of somewhat indifferent quality, often made out of waste products left in the aftermath of World War II, but this strategy eventually culminated in the production of the finest quality microelectronic gadgets like, for instance, Sony Corporation's Walkman. There is no reason why this cannot be done in India as well. What is required is imaginatively conceiving a strategy and meticulously implementing it.

The second issue that requires an innovative policy initiative is fund mobilisation. The near total dependence of micro entrepreneurs at the grassroots on informal financial networks and their isolation from the formal financial system, including banks, does not augur well for growth. It implies that entrepreneurial activity at the grassroots does not get any support from the banking system. It also implies that the schemes initiated by the government for the benefit of the MSME sector, which are invariably routed through the banking system, elude the entrepreneur at the bottom. Even though micro businesses seem reasonably happy working within their informal financial networks, it is bound to be self-limiting because it will sooner or later stymie their growth and innovation. A growing business sector would necessarily require a healthy and resourceful financial system to back it.

Personal interaction with micro entrepreneurs revealed that their main difficulty was dealing with the bureaucracy in banks and managing procedural formalities. This being the main obstacle in bringing banks closer

to the borrower, the solution seems to be tweaking the banking system in such a way as to make it adopt some of the features of the informal system that grassroots borrowers have been used to. One of the ways of achieving this can be through organising extension services that can be used to reach out to individuals and groups of borrowers to establish a rapport between them and the bank. Such an arrangement can facilitate borrowing by the less educated and underprivileged by helping them tackle procedural issues. The same arrangement can be used to develop a system of what is called supervised credit, where borrowers are advised by the bank or its appointed agent about the choice of a project and how to execute it. Such a system increases the productivity of the credit advanced and also ensures timely return of the money borrowed. The experience with such initiatives has been good in several cases, particularly in the case of SHGs. The much-appreciated Kudumbashree scheme implemented by the Government of Kerala is a good example of this. It is to be expected that a good rapport between the banks and borrowers can improve the

behaviour of the latter, resulting in a better appreciation of mutual needs and concerns. Of course, if the banks find it difficult to respond to the needs of the microenterprises, it may be necessary to evolve alternative institutions geared to respond to their specific requirements.

We are aware that the policy suggestions made are derived from a limited database. To that extent, they may be said to be of limited relevance and applicability. Two points, however, need to be kept in mind. One, given the vastness and variety of the MSME sector, It is methodologically desirable that microbusinesses be studied in terms of suitably defined clusters rather than in a jumble of all kinds of enterprises. Two, experience shows that despite the limitations of the study, the problems considered and the policy suggestions made are basic in nature and therefore could be of wide relevance to most microbusinesses in the country. It is hoped that deeper and more extensive studies will be undertaken in the future to unveil more of the ground-level dynamics of entrepreneurship at the grassroots level.

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**Economic & Political Weekly
12 March 2022**

www.economic-political-weekly.com

EMPLOYMENT AND HUMAN RESOURCE

Arun Chawla

The Covid-19 pandemic has severely impacted the population globally in their economic well-being and long-term livelihoods. While the crisis has taken a toll on all socio-economic sections, the disadvantaged sections stand more vulnerable due to the augmented risk of informal sector jobs, uncertain incomes, meagre savings, and low accessibility to resources, including technology. Skill development is a crucial sector relevant to economic growth and reaping India's demographic dividend. While most developed nations are experiencing an ageing population, India has the opportunity to produce skilled human resources and become the world's skill capital.

The pandemic has accelerated the adoption of technology, demanded constant innovation, and has changed work environments. Modern technologies like AI, Big Data, IoT, Block Chain, 3D Printing & Design, AR/VR, Robotics, Data Sciences, Quantum Computing, and Cyber Security are a few transforming existing businesses. This has led to the creation of jobs that did not exist in the past and would create numerous unforeseen job roles in times to come. Now, more than ever, existing and new workforce would have to be more agile, adaptable, and would need to constantly upskill their knowledge and skills. The concept of education has transformed from university degrees to life-long learning.

Even before the pandemic, in many G20 countries, the composition of employment had started shifting towards jobs that required high-level cognitive and socio-emotional skills or were characterised by non-standardised tasks, while jobs with a high routine content were being automated or off-shored to varying degrees. The trend is expected to continue post-Covid as well. As per FICCI Future Skills Report 2020, the five key skills required in the post-Covid era for the manufacturing sector are 'Data Literacy', 'Digital and Coding', 'Critical thinking', 'Creativity & innovation', and 'Technology knowhow'.

The dynamic needs of the industry have been recognised in this Budget, and initiatives are being taken to strengthen

our potential workforce with 21st century skills. The Union Budget 2022-23 announced skilling programmes and partnerships with the industry to be reoriented to promote continuous skilling avenues, sustainability, and employability. It also highlights the alignment of the National Skill Qualifications Framework (NSQF) with dynamic industry needs. This is a vital step towards enhancing employability that remains sustainable over a period of time. Some of the new-age skills where the efforts are bound to be focused on are geospatial technologies, drones (UAV/UAS/RPAS) pilot, clean mobility, green energy, genomics, etc., as it aligns with the industry needs. These sunrise sectors will offer tremendous employment opportunities to the skilled workforce in relevant areas.

NSQF was developed before the pandemic, and it is an opportune time to upgrade it as per the industry's requirements. Industry participation may extend beyond designing curriculum and giving their inputs on the National Occupational Standards of the NSQF. This can include preparing the trainers with the industry experience by partnering with training institutions to run periodic training capacity enhancement programmes, especially in trades and technology of relevance and interest to the employer. The youth will also get opportunities to skill themselves in Industry 4.0 relevant skills and find the right employment opportunities.

The need of the hour is to understand the big picture with regards to the evolution of technology and what the megatrends could mean for the 'world of work'. With the rapidly changing industry environment, learners today need to be equipped with employability skills that are transferable across a broad range of job opportunities and help them modify their approach to solving business problems in dynamic industry environments. Learners should plan for an automated world and acquire the right skills beyond mere technical competence. Emotional intelligence, learning agility, creativity, relationship building, and leadership skills will be much in demand in the times to come to keep pace with the disruption impacting all spheres of our lives.

Employment

It is estimated that 62 per cent of India's population falls in the working-age group and roughly 10 million new job seekers are added each year. The country's current labour force participation rate is around 49 per cent, meaning that only about half the people of working age engage in paid work. To keep up with the growing global pace, India needs to create at least 90 million non-farm jobs between 2020 and 2030.

Technology is making rapid strides, decreasing the dependence on manual labour. However, the 'employment landscape' is also witnessing a growing

dearth of skilled workforce. Technology and automation will result in a massive reclassification and rebalancing of work. Those workers who perform tasks that cannot be automated will be highly valued, and that means creativity, innovation, imagination, and design skills will figure high up on the employers' priority agenda. While automation and smart machines are said to replace over 20 million jobs globally by 2030, it is estimated that more than 133 million new jobs will be created as early as 2022.

An important phenomenon witnessed amidst pandemic is the increase in demand for remote work that will have a significant long-term impact on the labour market. Globally, one is witnessing four times the number of jobs that offer remote work since March 2020. This trend is also seen from job seekers: the volume of job searches using the "Remote" filter on LinkedIn has increased 60% since the beginning of March 2020. The advent of remote work and an increasingly virtual world seems to have reduced barriers for people to connect and build their networks.

With the rise of remote work, one of the most exciting trends that one is going to see is a democratisation of opportunity and movement of skills all around the globe. Companies may be able to source diverse talent more easily, especially from groups that are underrepresented in their area, or for skills that are locally less available, through remote-work options.

The 'Digital India' initiative announced in 2015 was a big move to push forward the agenda of getting the workforce 'digitally' skilled and through information technology, empowering citizens, bridging the rural-urban divide, thus improving the government services. As a next step in this direction, the Union Budget 2022-23, has proposed the launch of the Digital Ecosystem for Skilling and Livelihood - the DESH-Stack e-portal. This portal shall aim to empower citizens to skill, reskill or upskill through online training. It will also provide API-based trusted skill credentials, payment and discovery layers to find relevant jobs and entrepreneurial opportunities. Harnessing the digital revolution could be the key to reducing India's skill gap and actualising the government's vision of a high-growth, high-productivity, and middle-income nation.

The interlinking of Udyam (a self-declaration portal for entrepreneurs created by MSME), e-SHRAM (a centralised database of unorganised workers created by MoLE), NCS (a portal to connect job seekers, job providers, skill providers, career counsellors created by MoLE), and ASEEM (a portal to facilitate the supply of skilled workforce with the market demand created by MSDE) has come at an opportune time. They will now perform as portals with live, organic databases, providing G2C, B2C, and B2B services. These services will relate to credit facilitation, skilling

and recruitment to formalize the economy further and enhance entrepreneurial opportunities for all.

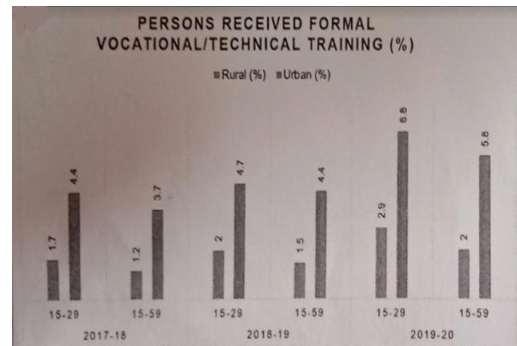
Human Resource Development

Human resource acts as the driving force in the growth of a nation. The skill sets, Competencies, knowledge, and attitude are some of the key attributes that help find affordable solutions to complex socio-economic problems. According to the ‘OECD Future of Education and Skills Project 2030’, “We need to replace old education standards with an educational framework that combines knowledge with the 21 st century skills of creativity, critical thinking, communication and collaboration”. This won’t be achieved by simply moving classes from the chalkboard to the virtual mode, but by radically transforming the way we teach and learn science and technology skills, from one-way content dissemination and memorisation to personalised, self-directed learning.

India’s vision of becoming a USD 5-trillion economy is intricately linked with developing the human capital and managing it most efficiently. The urban human resources, through its effective contribution to industrial growth, would play a pivotal role in ensuring the quantum leap in our GDP. It is estimated that by 2047 when India celebrates 100 years of its independence, nearly half of its population will live in urban areas.

To facilitate this transition we have to face twin challenges; i) orderly planning of our cities , and ii) developing our human resources to harness the demographic dividend by engaging our youth towards societal, economic growth.

Though the literacy rate is higher in urban India (close to 88%), however formal vocational/technical training amongst youth (15-29 years) and working-age population (15-59years) is found to be low as shown in the graph



There is a need to involve employers in the delivery of education and designing the Education, Skilling, Employment, and Entrepreneurship (ESEE) ecosystem. This approach needs to be applied to the entire life cycle of the learners, right from the elementary stage to the higher education level and going up till the employment stage. We have to enhance our ESEE system further so that our youth are equipped with a multi-disciplinary approach to pave the socio-economic progress of the cities as well as the upcoming rural settlements.

The National Education Policy (NEP) 2020 has highlighted to create an enabling framework that helps in doing away with “rote-learning” and facilitates acculturation of an enquiry-based, project-led ecosystem of education that not only enhances the learning outcomes but also helps in rendering a more rounded and holistic development of individuals. The NEP while highlighting the need for a multi disciplinary approach, also focused on the significance of liberal arts education that helps in developing all capacities of human beings in an integrated manner, viz. intellectual, aesthetic, social, physical, emotional, and moral.

In the current situation, there are a few fundamental questions before the education community with regards to human resource development. How can we make students more resilient? How can we prepare them for jobs that have not yet been created? How can we equip them to thrive in an interconnected world where they need to understand and appreciate different perspectives and worldview, interact respectfully with others and take responsible action towards sustainability and collective well-being? The future, by definition is unpredictable, but by being attuned to some of the trends now sweeping across the world – we can learn and help students learn- to adapt to, thrive in, and even shape whatever the future holds.

(Arun Chawla is the Director-General, FICCI)

**Yojana
March 2022**

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INDIA'S JUDICIARY AND THE SLACKENING COG OF TRUST

Vani S. Kulkarni, Veena S. Kulkarni and Raghav Gaiha

Departures from substantive and procedural justice need deep scrutiny as the fallout could severely imperil governance

Centrality of justice in human lives is summed up in a few words by the Greek philosopher, Aristotle: "It is in justice that the ordering of society is centered." Yet, a vast majority of countries have highly corrupt judiciaries.

Judicial corruption takes two forms: political interference in the judicial process by the legislative or executive branch, and bribery. Despite accumulation of evidence on corrupt practices, the pressure to rule in favor of political interests remains intense. And for judges who refuse to comply. Political retaliation can be swift and harsh. Bribery can occur throughout the chain of the judicial process: judges may accept bribes to delay or accelerate verdicts, accept or deny appeals, or simply to decide a case in a certain way, court officials coax bribes for free services: and lawyers charge additional "fees" to expedite or delay cases.

A distinction

Our focus here is on the functioning of and erosion of trust in the lower judiciary comprising high courts, and district and sessions courts. A distinction between substantive and procedural justice is helpful. Substantive justice is associated with whether statutes. Case law and unwritten legal principles are morally justified (e.g. freedom to pursue any religion), while procedural justice is associated with fair and impartial decision procedures. Many outdated/ dysfunctional laws of statutes have not been repealed because of the tardiness of legal reform both at the Union and State Government levels. Worse, there have been blatant violations of constitutional provisions. The citizenship (Amendment) Act December 2019) provides citizenship to – except Muslims – Hindus, Buddhists, Sikhs, Jains, Parsis and Christians who came to India from Pakistan, Bangladesh and Afghanistan

on or before December 31, 2014. But this flies in the face of secularism and is thus a violation of substantive justice. A striking example of tortuous delay in the delivery of justice is the case of Lal Bihari. He was officially declared dead in 1975, struggled to prove that he was alive (though deceased in the records) and was finally declared alive in 1994 (Debroy, 2021). Thus, both departures from substantive and procedural justice need deep scrutiny. Alongside procedural delays, endemic corruption and mounting share of under-trial inmates with durations of three to five years point to stark failures of procedural justice and to some extent for substantive justice.

Under the different regimes

All was not well with the lower judiciary under the United Progressive Alliance regime. According to Transparency International (TI 2011, 4.5% of people who had come in contact with the Judiciary between July 2009 and July 2010 had paid a bribe to the judiciary. The most common reason for paying the bribes was to “Speed things up”. There were “fixed” rates for a quick divorce, bail, and other procedures (Banerjee, 2012) The Asian Human Rights Commission (AHRC) (April 2013) estimates that for every ₹ 2 in official occur fees, at least ₹ 1,000 is spend in bribes in bringing a petition to the court.

There is a scarcity of evidence on bribes and malfeasance under the National Democratic Alliance (NDA). A few broad-brush treatments are, however, worrying. Freedom House’s ‘Freedom in the world 2016 report for India’ states that “the lower levels of the judiciary in particular have been rife with corruption” (Freedom House 2016). The GAN business Anti-Corruption Portal reports that, “(t) there is high risk of corruption when dealing with India’s judiciary, especially at the lower court levels. Bribes and irregular payments are often exchanged in return for favorable court decisions” (GAN integrity 2017).

Allegations of corruption against High Court judges abound. For Example, Tis[Tiz] Hazari District Court Senior Civil Judge, Rachana Tiwari Lakhnupal, was arrested in September 2016 for allegedly accepting bribe to rule in favour of a complainant in a case. Such examples are indicative of the widespread malaise of corruption in the lower judiciary, worse, there are glaring examples of anti Muslim bias, often followed by extra-judicial killings by the police. Anti-Muslim bioas alone may not result in erosion of trust but if combined with unprovoked and brutal violence against them (i.e., lynching of innocent cattle traders) is bound to.

Case Pendency

According to the National Judicial Data Grid, as of April 12, 2017, there are 24,186,566 pending cases in India's district courts, of which 2,317,448 (9.58%) have been pending for over 10 years. and 3,975,717(16.44%) have been pending for between five and 10 years. As of December 31, 2015, there were 4,432 vacancies in the posts of (subordinate court) judicial officers, representing about 22% of the sanctioned strength. In the case of the High Courts, 458 of the 1,079 posts, representing 42% of the sanctioned strength, were vacant as of June 2016. Thus, severe back lugging and understaffing persisted, as also archaic and complex procedures of delivery of justice.

Extreme centralization of power in the centre and a blatant violation of democratic values under the NDA have had disastrous consequences in terms of violent clashes, loss of lives, religious discord, assaults on academic freedom, and suppression and manipulation of mass media. Exercise of extra-constitutional authority by the central and state governments, weakening of accountability mechanism, widespread corruption in the lower

judiciary and the police, with likely collusion between them, the perverted beliefs of the latter towards Muslims, other minorities and lower cast. Hindus, a proclivity to deliver instant justice, extra judicial killings, filing first information reports against innocent victims of mob lynching – specially, Muslim cattle traders while the perpetrators of violence are allowed to get away – have left deep scars on the national psyche, It may seem farfetched but it is not, as these are unmistakable signs of abject failure of governance.

Our analysis reinforces this concern. While trust in the judiciary is positively and significantly related to the share of under-trials for three to five years under total prisoners, it is negatively and significantly related to the square of share of under-trial. However, the negative effect nearly offsets the positive effect,. So while trust in the judiciary marginally rises with the proportion of under -trials until the threshold (0.267) is reached, it decreases beyond that point as the proportion of under-trial inmates rises. In sum, erosion of trust in the judiciary could severely imperil governance.

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**The Hindu
9 May 2022**

DOING NO JUSTICE TO A VISION OF DEMOCRACY

C.Lakshmanan And Aparajay

The existing economic system pursued by political parties is antagonistic to the model envisioned by B.R.Ambedkar

Across the globe, like never before, Bhimrao Ramji Ambedkar’s 131st birthday (April 14) was celebrated in diverse forms. To honor him and other anti-caste icons such as Jyotiroo Phule, Canada’s British Columbia province has declare April as ‘Dalit History month’. In the federal State of Colorado and Michigan in the United States it is ‘Dr. B.R. Ambedkar Equity Day’. In India the Government of India has directed public institutions to formally celebrate Ambedkar’s birthday. The Uttar Pradesh government Celebrated this day as “Day of Social harmony”. The Tamil Nadu government has declared it a “Day of Equality”, At the same time, attempts are also being made to (mis)appropriate Ambedkar by parties, organizations and individual of various ideological persuasions for their own interests without making any effort to embody Ambedkar’s principles of socio-cultural justice and economic fairness.

Celebration needs substance

A critical examination of these celebrations, at least in India reveals that these are primarily a celebration of Ambedkar’s zeal, mainly keeping electoral gains in mind. This may be important but it does not do justice to Ambedkar’s grand emancipatory vision of democracy. Most of these celebrations have not only been obvious of Ambedkar’s anti caste and anti patriarchal vision but also seem to be deliberately ignoring his world view on economic equality, fairness and justice. The existing economic system pursued by the political parties at the Centre and State levels is mostly antagonistic to the model envisioned by Ambedkar. It would be worthy to revisit some of the salient features of his works on economic democracy in draw lessons for today. As Labour Minister (Member) of the viceroy’s Council (1942-1946) and through his

writings such as States and Minorities (1947), Ambedkar clearly laid out his vision regarding the substance of political economy.

As far back as 1928 Babasaheb had struggled to get the Maternity Benefit Bill passed in the Bombay Legislative Council. This was later taken up by the Madras Legislative Council in 1934. In 1942, Ambedkar changed the work time to eight hours per day from earlier 12 hours. Ironically, the current dispensation during the COVID-19 pandemic, wanted to bring back the 12 hours of work a day norm. Recently, a few trade unions had to submit a memorandum to Bharatiya Janata Party government opposing its plan to change the Factories Act, 1948 to reinstate 12 hours of work. In fact, the Uttar Pradesh government in 2020 was forced to rollback 12 hours of work time after labour unions protested and the Allahabad High Court issued a notice to the government.

The process of massive contractualisation' and 'informalisation/casualisation' of labourers since the 1990s has not only widened the economic inequality between employer and employee but also between high paid permanent employees on the one hand and low paid regular, contractual and temporary employees on the other. Contract workers have increased from

15.5% in 2000-01 to 27.9% in 2015-16 even in the organised manufacturing sector. In States such as Bihar, Uttarakhand and Odisha, a majority of the organized manufacturing workforce is contractual. Despite the prohibition under the Contract Labour (Regulation and Abolitions) Act, 1970, contract workers are being paid lower salary/wage for the same work. This is a clear violation of the law and Article 141 of the constitution, as observed by the supreme court of India in 2016. The Supreme Court overturned the verdict of the Punjab and Haryana High Court that temporary employees of Punjab government were not entitled to equal pay for equal work on par with permanent employees. Even among regular worker, according to the periodic Labour Force Survey (PLFS) data (2017-2018), 45% were paid less than ₹ 10,000 a month and 72% were paid below ₹ 18,000 a month. Only around 3% of regular workers earned between ₹ 50,000 to ₹ 1,00,000 a month and only 0.2% earned more than ₹ 1,00,000 a month. The emergence of new contradictions threatens the very democratic existence and secular fabric of this country. Ambedkar was clear that a continued existence of glaring inequalities and the tyranny of majority will sound the death knell of Indian democracy.

Adhering to the principles

It is worth recalling here that Ambedkar not only established equal pay for equal work irrespective of gender as a member of the Viceroy's Council but also included this as part of the Directive Principles in the Indian Constitution. However, women still continue to receive on average between ₹ 70 to ₹ 90 a day, less than men as both formal and informal workers. Imagine what would have been the stand of Ambedkar regarding this had he been alive? He would have been equally shocked to see the huge pay gap between formal and informal sector workers. Informal workers constitute 93 % of the formal and informal sector work force in India. Some recent estimates suggest that informal sector workers on average continue to get 30% to 40% of the real daily wage of formal workers. The four labour codes (on wages, social security, occupational safety and industrial relations), which were brought in by the BJP government after consolidating 44 labour laws, are going to worsen the situation of workers.

Workers in the unorganized sector organised a protest in April 2022 in Tamil Nadu urging the state government to pass a resolution in the State Assembly demanding that the central government withdraw the four

labour codes. One of these codes – Industrial Relations Code, 2020(IRC) – directly infringes upon the right to strike, which was recognized by Ambedkar as one of the fundamental rights of workers. This was the reason the Indian Trade Unions (Amendment) bill was passed in 1943, with the effort of Ambedkar, which had made recognition of trade unions compulsory. There were many other contributions of Ambedkar in institutionalizing laws related to worker's insurance, minimum wages, worker's welfare, etc. many of which the four labour codes seek to circumvent or reverse surreptitiously. Therefore, it is high time we stand by the ideals of the architect of the constitution.

Ambedkar's vision

It is imperative to understand the main reasons behind Ambedkar's active interest in economic and labour rights. First, he strongly argued for simultaneously addressing substantive questions of political, social, and economic democracy because they are intertwined with each other in a way that leaving out one will jeopardize the progress made in another second, he was as much a believer in economic justice as in social justice.

This becomes clear when we go through his work, States and Minorities. This document not only

contained extensive safeguards for the emancipation of the scheduled castes but also laid out his vision of socio-cultural justice and economic fairness. He had argued for nationalization of key and basic industries, the agriculture and insurance sectors. He wanted the State to allocate agriculture land only on tenancy basis to people (irrespective of caste, class and creed) for collective farming. This vision was obviously against whatever is being done in the country in the post liberalisation period and greatly intensified in the last decade or so. The on-going monetisation sell-off privatisation of airports , the Indian Railways, Bharat Sanchar Nigam Limited (BSNL/Mahanagar Telephone Nigam Limited (M.T.N.L.), The Life Insurance Corporation of India (LIC), public sector banks and other public sector organisations are grave assaults on economic democracy. It is not without reason that labour was placed under the concurrent list in the Indian constitution. Further, the

Labour investigation committee and Labour commissioners' were instituted by Babasaheb to ameliorate the condition of workers as much as possible within the existing law. Hence, the Union and State governments must take the lead in not only stalling the privatization spree and undertake necessary measures to get the four Labour codes repealed but also take protective measures to follow the trial vision of democracy – social, economic and political – If they want to celebrate Babasaheb in the true sense. Without adhering to Ambedkar's ideals and merely appropriating the icon is just another pretext to divert people's attention from everyday materiality. Dr. Ambedkar was dead against hero worship of Bhakti in politics, which he thought was a sure path to degradation of democracy and eventual dictatorship.

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**The Hindu
25 May 2022**

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REVIVING THE 'KERALA MODEL' OF DEVELOPMENT

Shashi Tharoor & Vinod Thomas

Its lustre is fading as there are threats from emerging social and environmental risks, but the question is how

Kerala has long been recognised to have done many things right. For years the darling of development experts, non-governmental organisations and social activists, the 'Kerala Model' seemed to show that impressive levels of human development indicators - in health, education and quality of life, comparable even to some rich countries could be achieved without a correspondingly high level of income.

A focus on 'failures'

But in the recent past, there has been a new debate on the 'Kerala Model' of development. Are we not guilty of exporting our unemployment and becoming over-dependent on remittances? Can you build high growth and strong human development indicators on such a flimsy basis? Is it sustainable? The focus in the new debates on Kerala seems increasingly on its failures: low employment, low levels of food intake and low incomes, accompanied by high levels of alcoholism and the nation's worst suicide rate.

After decades of robust social spending and participatory governance, the lustre of the Kerala model is now under threat from emerging social and environmental risks. Indeed, there is an irony here: some of the very strengths of Kerala's approach have become sources of vulnerability. For instance, its high life expectancy is translating into a high death rate from COVID-19.

In the face of rising risks, the Kerala model needs to be revitalised. The crucial question is how. Reflecting the State's social outcomes, Kerala has India's highest literacy rate despite ranking only the ninth-highest in per capita income among 28 States. But as new global risks emerge in areas from health to climate change, Kerala's policies need to be bolstered and new challenges deftly managed. Severely hit by COVID-19, Kerala's Gross State Domestic Product (GSDP) contracted over 2019-20 and 2021-22,

and unemployment, at 9%, is much higher than the 6% national average. The space to revive Kerala's sagging economy is limited because of a high fiscal deficit, around 4% of GSDP. These difficulties could be meaningfully mitigated by smarter socio-economic investments, attention to good governance, and a far better stewardship of the environment. Kerala can develop as a knowledge economy, improve the quality of higher education and vocational training to meet the requirements of a modern workforce, and build on successes in tourism and hospitality services. All this will create meaningful employment and raise incomes.

Interventions that reach all

Our focus should be on the quantity as well as quality of health and education, and on ensuring that interventions reach all segments of the population. Basic education should continue to be a priority, but it is higher education that presents a pivotal opportunity on the global stage for Kerala - a State with high human capital and high population mobility. Played right, Kerala could become a regional, if not a national, centre for tertiary education in areas such as marine biology, health care, and digital technology, where it has considerable expertise.

Kerala was India's first digital State with the highest share of households with personal computers and Internet connections, mobile phone penetration, and digital literacy. Digital tools are being widely used in Kerala's COVID-19 response - for example, application of India's Sanjeevani, a tele-medicine portal, offering psychosocial support for those struggling with the virus or its after-effects. We can build on and expand such approaches, learning, for instance, from Singapore's new generation of health apps and technologies.

Cracks in the health system

Serious gaps are growing in Kerala's health system. A pandemic response that laid a stress on mask-wearing and social distancing and tracing got off to a vigorous early start. But infections and deaths skyrocketed in 2021, partly as the population is highly mobile and also because Kerala let its guard down in key areas of surveillance. Testing, on the other hand, has been widespread, which helped reveal infections more transparently. Sustaining the edge on health care should be high on the policy agenda.

Another strength that needs to be sustained involves institutions, building on the State's grassroots organisation, participatory governance, and a free

press. The Public Affairs Index 2020 ranked Kerala as the best-governed large State in 2019 on the basis of 50 indicators reflecting equity, growth and sustainability. Decentralised governance, a strong grass-roots-level network of Accredited Social Health Activists (ASHA), volunteer groups, and Kudumbashree members helped in pandemic management. While there are lessons for others, Kerala needs to be more agile in public expenditure on health and developing local self-delivery systems.

The earth does matter

An asset that has turned into a worrying flash point is the State's rich but fragile ecology that requires heightened protection. Decades of ecological degradation amplified the impact of the 2018 floods in Kerala that took some 483 lives, displaced 14.5 lakh people, and cost over ₹ 40,000 crore. It is vital that the Madhav Gadgil Committee report is adopted with the minimal necessary modifications to protect vulnerable populations. The ecological disaster across the Western Ghats needs to be confronted and investments made to repair forests, river systems, water bodies, and flood plains. The State needs a bold programme of forest restoration in keeping with the commitments on forest protection from over 130 nations at COP26.

Kerala urgently needs to revive its network of rivers, their tributaries and streams. Sand mining needs to be stopped until the sandy riverbeds are restored. Water management calls for the periodic release of water from the dams, as indicated by the World Commission on Dams. This, together with desilting of dams, could control the quantity of run-off into the dams and the need for sudden releases that exacerbate floods, Kerala's supply of fresh water is being jeopardised by inadequate facilities for water containment. Water quality - and people's health - are hurt by domestic waste and industrial effluents, calling for better water treatment.

Moment for change

A reinvigorated Kerala model will do well to recognise the symbiotic links among social outcomes, environmental management, and participatory governance, and take actions that cut across these areas. It is time for revival. We must open our mental horizons to the world outgrow our shopworn ideologies and create investment and business-friendly conditions for sustainable development.

One prerequisite for achieving sustainable development would be to change the perception of the State in our extremely politicised environment, especially the notorious *hartals* over marginal political issues,

which have driven investment away. Political parties can differ on the precise policies and investments needed, but they must come together on a platform that transcends their differences. Sree Narayana Guru famously said, “*matham ethayalum, manushyan nannayalmathi* - whatever his religion, it is enough that a man be good.” Similarly, Kerala must say, “*rashtriyam ethayalum rashtram nannayalmathi* - Whatever the politics, it is enough the country be better.”

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The Hindu
10 February 2022

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NEW INDIA NEEDS FREE AND QUALITY HIGHER EDUCATION

Rajesh Mehtha & Pritam B.Sharma

Its lustrCorporates, alumni and government can work towards creating strong philanthropic support and tax breaks

At a time when the demand for quality education and research in leading universities in India and advanced nations is on the rise, the staggering tuition fees demanded by universities of repute, besides deterring the meritorious from pursuing their degrees from world-class universities, create compulsions to turn professions into business propositions rather than opportunities to serve and excel.

Carving out a niche in the annals of the global education architecture, New York University's NYU Grossman School of Medicine announced that from the 2021-22 academic year, it will pay the tuition fees for all its students admitted in its MD programme, regardless of their financial needs, thereby becoming the first major American medical school to do so.

Kenneth G.Langone, Chair of NYU Langone Health's Board of Trustees, who made his U.S.\$ 3.5 billion fortune as a co-founder of Home Depot, with his wife Elaine, has given U.S. 100 million to fund the tuition package. NYU has already raised more than U.S. \$450 million of the U.S. \$600 million it needs to fund the programme.

In India too, the burden of tuition fees in professional courses is becoming unbearable. Besides, it is causing a serious concern of reducing quality professional education to a commodity rather than the noble service that it ought to be.

Educational loans, even with government collateral guarantee, are no answer, as mounting debt of educational loans will cripple the economy of development and public welfare. What we need is a university system that fosters an environment of learning in which world quality education can be provided without taxing learners with the burden of tuition fees.

The Nordic model

The Nordic countries – Denmark, Finland, Iceland, Norway, and Sweden – provide free higher education to their people, and over-seas students were able to study for free until recently. In Denmark, however, tuition fees were introduced for international students from outside the European Union and the European Economic Area, in 2006.

Sweden followed suit in 2011. Only Finland, Norway, Iceland, and Germany do not charge international students tuition fees. This ensures that students receive quality education in the streams that they desire rather than pursuing streams that allow them to earn highly so as to repay their student debt.

As an article in January 2022 says: ‘the Nordic Model has attracted a significant amount of attention from other nations. Many people wonder if it provides a template or smaller countries where citizens are more homogeneous in terms of their opinions and experiences, yet live in poverty or repressions as a result of government policies.

Despite some attempts to impose fees, all these countries are outliers in a world where international students are frequently a valuable source of revenue for institutions. Last year, the topic resurfaced in Finland when the government recommended that in situations be allowed to charge tuition for international students from outside the European Union. Following a heated public debate, the Finnish government opted not to proceed with the proposals.

All Nordic countries have a strong legacy of equality, extending a equal opportunities in the education system. The Nordic countries have measures in place to promote gender equality and

assist students from lower socio economic categories to gain access to higher education. It is no wonder that these countries continue to figure in top of the world happiness index (Finland at No. 1, Denmark at No.2, Iceland at No.4, Norway at No.8 and Germany No14, as per the World Happiness index 2022).

It reshapes student choices

A ray of hope for evolving a progressive university system in professional education has been provided by NYU’s Grossman School of medicine. In its announcement the NYU had pointed out the fact that “overwhelming student debt” is reshaping the medical profession in ways that are bad for the health care system. Such debts prompt graduates to pursue high paying specialties rather than careers in family medicine, pediatrics, and obstetrics and gynecology. The lead taken by the NYU is bound to inspire many other leading universities to consider and value the student’s intellectual acumen rather than financial investment.

But then, universities need fund for education and research, education is a noble service and an investment to charter a bright future for humanity. If students pay for education, they would be forced to earn from the degrees they acquire. The profession then becomes a privilege to earn rather than a privilege to serve and excel as it ought to have been.

There is strong case for reviving philanthropy and community support for higher education in India corporates, generous alumni, and people at large can join in to create strong philanthropic support for higher education and make quality education tuition free. The government, for its part, should be generous enough to declare such philanthropic donations to cause higher education and research

tax free, now that the treasury is full of funds from the ever-growing list of income tax and the Goods and Service Tax (GST) payers.

Can we, then, make the prophecy of the great management guru, Philip B. Crosby, come true in higher education, who, during the quality revolution in the late 1970's advocated that "Quality is Free!"

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The Hindu
4 June 2022

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STATE SCHEMES CAN CAST A LIFELINE TO THIS WELFARE PLAN

Amar Patnaik

Five years since its introduction, there is vast scope for improvement in the Pradhan Mantri Matru vandana Yojana

India accounts for fifth of the total childbirths in the world, with a maternal mortality rate of 113 per 1,00,000 live births. On January 1, 2017, the Government rolled out the Pradhan Mantri Matru Vandana Yojana (PMMVY), where a 'cash incentive of ₹ 5,000 is provided directly to the bank/post office account of pregnant women and lactating mothers for the first living child of the family (subject to fulfilling specific conditions relating to maternal and child health)'.

It is aimed at improving health seeking behaviour and to compensate for wage loss for pregnant women, particularly in the unorganised sectors. However, the performance of the scheme has been deficient, necessitating urgent need for improvement especially when the novel corona virus pandemic has resulted in economic shocks for 260 lakh women who deliver on an average a child each year in India.

How the PMMVY fares

Since its inception, the PMMVY has covered 2.01 crore women nationally, disbursing a total amount of ₹ 8,722 crore. But the annual estimate of the targeted beneficiaries by the Government of India has remained the same over the years. While the estimated eligible population of pregnant and lactating mothers in India was 128.7 lakh for 2017-18 (as in a report by the Centre for policy Research 2019-20), the target set by the Government was 51.70 lakh beneficiaries, which is only 40% of the eligible population. This means that we have an exclusion error of at least 60% since 2017, as the target has remained unchanged over the years. Further, the enrolment and disbursements under the scheme have witnessed a downward fall in the last two years, as in the data provided by the Ministry of Women and Child Development (WCD) in response to my parliamentary questions. In 2020-21, more than 50% of registered

beneficiaries did not receive all three instalments and there was a 9% drop in enrolment under the scheme.

Despite the Government's continued emphasis on maternal and child health, the overall budget for women and child development was reduced by 20% for 2021-22. Additionally, Budget allocation for the PMMVY has also been slashed as it has been clubbed under SAMARTHYA along with multiple other schemes such as Beti Bachao Beti Padhao, Mahila Shakti Kendra and Gender Budgeting /Research/Training. The overall budget of SAMARTHYA is ₹ 2,522 crore, which is nearly equivalent to the budget of PMMVY alone in the previous financial years.

States show the way

While the Centre rolled out the PMMVY scheme at the national level, States such as Odisha, Telangana and Tamilnadu, respectively, chose to implement State – specific schemes for maternity benefits in the form of MAMATA (2011) or the maternity entitlement scheme, the KCR Kit (2017), which has items such as baby oil, soaps, mosquito net and dresses, and the Dr. Muthulakshmi Reddy Maternity Benefit Scheme (MRMBS) with relatively increased coverage and

higher maternity benefits. Odisha's MAMATA for instance, has been offering a conditional cash transfer of ₹ 5,000 as maternity benefit for up to two live births for more than a decade now.

In a comparative analysis between the PMMVY and MAMATA for 2020-21, the PMMVY shows poor performance with a 52% drop in the number of beneficiaries covered while MAMATA show cased a 57% increase in women who received all the instalments. The scheme stands as a testament to an inclusive and efficient implementation of the maternity benefit programme, thereby serving as promising evidence for the Centre to improve the PMMVY in line with the Odisha government Scheme.

Steps to take

Here is the way forward for the PMMVY Extend the maternity benefit under the PMMVY to the second live birth. The predecessor scheme, the Indira Gandhi Matritva Sahyog Yojana was applicable for two live births. Of the total live births in India, 49.5% comprises first-order births and 29.9% are second-order births, as per Sample Registration Survey 2018.

It is imperative to include second live birth under the maternity benefit cover particularly for women in

the unorganised sector who are more vulnerable to economic shocks and nutrition loss for all child births.

There must be an increase in the maternity benefit amount. Since the primary objective of the PMMVY is to provide partial wage compensation, we need to revisit the maternity benefit amount offered under the scheme. Most women continue to work during and post-pregnancy since they cannot afford to lose wages; additionally, they also spend on out-of-pocket expenses during pregnancy. The current entitlement of ₹ 5,000 provided over one year amounts to one month's wage loss (as per the Mahatma Gandhi National Rural Employment Guarantee Act wage rate of ₹ 202). In line with the Maternity Benefit Act, 1961 which mandates 12 weeks of maternity leave for women with two or more children, pregnant and lactating mothers should receive 12 weeks of wage compensation amounting to ₹ 15,000.

Simplify the process

Eliminate correction queues
Further, the Implementation gap in the PMMVY scheme lead to reduced coverage. These gaps stem from a

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lack of awareness within targeted beneficiaries and process level challenges. The current registration form requires a mother and child protection (MPC) card, husband's Aadhaar card, bank passbook and registration form for each of the three instalments, resulting in delayed, rejected pending applications. A simplification of the process can result in increased registration of beneficiaries.

To fulfill India's commitment towards the Sustainable Development Goal of improving maternal health, an ambitious Prime Minister's Overarching Scheme for Holistic Nourishment (POSHAN) Abhiyan and a national maternity benefit scheme are promising initiatives by the Centre.

However, targets can be achieved only if we revisit the design and implementation of this scheme, drawing lessons from States such as Odisha which are successfully prioritising maternal health and nutrition in a pragmatic manner.

The Hindu
3 January 2022

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CONTROL RATHER THAN PRIVACY

Jaiveer Shergill

The Joint Committee report on the Personal Data Protection Bill has raised more questions than it has solved

In India, where the personal data of citizens are at the mercy of companies and government and where there is no privacy law, the *Puttaswamy* judgment and the Justice B.N. Srikrishna committee report that led to the Personal Data Protection Bill of 2019 came as a ray of hope. But the Joint Committee report on the Bill has failed to provide a robust draft legislation ensuring the privacy of citizens. Instead, it has carved out an architecture for a surveillance state.

Infallibility of state

Under the Constitution, fundamental rights are enforced against the state and its instrumentalities and not against private bodies. The *Puttaswamy* judgment held that the right to privacy is a fundamental right. However, the report has divided the digital world into two domains - government and private- and is based on the presumption that the question of right to privacy emerges only where operations and activities of private entities are concerned. Clause 12 of the Bill provides exemptions for the

government and government agencies and Clause 35 exempts government agencies from the entire Act itself. Clause 12, which says personal data can be processed without consent for the performance of any function of the state, is an umbrella clause that does not specify which ministries or departments will be covered. Further, the Bill says, “harm includes any observation or surveillance that is not reasonably expected by the data principal”. This means if you install any software in your computer and the software violates the principle of privacy and data get leaked, the complaint of the data principal will not be legally tenable as the defence will be that ‘once you have installed the software, you should have reasonably expected this level of surveillance’. The government can use these provisions as a means of control and surveillance.

If private entities can be given a transition time to comply with the Act, why should the same not be extended

to government entities? Why should they be given blanket exemption instead? The Committee has failed to provide formidable firewalls to protect the privacy of individuals and has also carved out a mechanism for government control over personal data. The provisions are ultra vires of the judgment on privacy.

For compliance with the provisions of the Act, a data protection authority (DPA) has to be appointed. The Bill elaborates on the functions and duties of the DPA. It is doubtful whether a single authority will be able to discharge so many functions in an efficient manner. The terms and conditions of appointment of the DPA also raise concerns. Unlike the Justice Srikrishna committee report which provided for a judicial overlook in the appointments of the DPA, the Bill entrusts the executive with the appointments. Although the report expanded the committee, the power to appoint the panelists vests with the Central government. While ensuring the protection of citizens' fundamental right, it is necessary that the authority entrusted with the responsibility should

work independently. Clause 86 says, "Authority should be bound by the directions of the Central Government under all cases and not just on questions of policy". This makes the DPA duty-bound to follow the orders of the government. This weakens its independence and gives the government excessive control. Further, the appointment of the authority violates the principle of federalism. There is internal data flow and the States are key stakeholders in the process. Even if the proposed central authority issues directions to allow processing of data on the grounds of 'public order', it is important to note that 'public order' is an entry in the State List. If the pith and substance of the legislation are related to the State, then it has to be monitored by the State Data Protection Authority.

Economic cost of non-personal data

One of the objectives of the Bill is to promote the digital economy. But by including non personal data within the ambit of the Bill, the Joint Committee has put a huge compliance burden on the economy. This will hit

the MSME sector and small businesses harder as technical processes involving data sharing are very expensive. The government-constituted panel headed by S. Gopalkrishnan also opposed the idea of including non-personal data in the Bill. Mandatory data localisation, it is estimated, will squeeze the economy by 0.7-1.7%. This may also invite

similar measures by other sovereign countries which will hamper smooth cross border flow of data.

The report has raised more questions than it has solved. In its present avatar, the Bill is more about surveillance and control than privacy. At the time of passage of the Bill, loopholes must be plugged so that India can have a robust data protection law.

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The Hindu
10 January 2022

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AMENDMENTS THAT ARE UNNECESSARY

A national database of registered births and deaths is not required

K. Narayanan Unni

The Central government had invited comments on the proposed amendments to the Registration of Births and Deaths Act, 1969 (RBD Act). One major proposal is to prepare a national database of registered births and deaths. This is intended to be used to update, for every birth and death, the databases created in accordance with many other laws, such as the National Population Register, voter list and Aadhaar database.

Under the RBD Act, it is the responsibility of the States to register births and deaths. State governments have set up facilities for registering births and deaths and keeping records. A Chief Registrar appointed in every State is the executive authority for implementation of the Act. A hierarchy of officials at the district and lower levels do the work. The Registrar General of India (RGI), appointed under this Act, is responsible for coordinating and unifying the implementation of the RBD Act.

Unnecessary provisions

Information on registered births and deaths is now stored in State-level databases using a unified software in many States. This system enables citizens to easily obtain the required services. It also helps prevent fake registrations and errors. Birth and death registers also include some personal information about the child born, the child's parents, and the deceased. In addition, some information required for demographic studies is also collected during registration. This information is not included in the register and is used only to collate vital statistics. On registration of a birth or death, the information can automatically go to the concerned authorities. However, one has to examine the need for each birth and death to be communicated to other databases. It may be important for a population register to get that information instantaneously. For other databases, it may be enough to get that information on a monthly or even annual basis. For example, the election authorities may require the list of deaths only once in six months or so for removing

dead persons from the database. Cancellation of passports or driving licences on the death of the holder is not very important as they cannot be misused that easily.

In all cases where instantaneous updating is not necessary, the concerned databases should collect the information from the best source. Whether it should be collected from the birth and death database is an important question. The address in the birth and death database may be different from the current or permanent address of the mother or deceased. The mother may have gone to her parent's place for delivery and that address may have been recorded while admitting her in a hospital. Similarly, many people are admitted to hospitals in the city where they may have a temporary contact address. It is this that gets recorded in the hospital and in the death register. So, some data item, like the Aadhaar number, is necessary to link the information with other databases.

In an ideal situation, a birth and death database need not interact with any database other than a population database. This is because a population database will have all the information, like date and place of occurrence of the birth or death and names of the parents/deceased, that may be required by other databases.

A proposal is to include the Aadhaar number, if available, as one piece of information to be reported while reporting a birth or death, by amending Section 8 of the Act. This is an unnecessary amendment as the Aadhaar number can be included in the forms used for reporting births or deaths. Having already directed the States to include the Aadhaar number of the deceased in the death reporting form, it is not clear why it is necessary to amend the Act for its inclusion.

State governments maintain databases of births and deaths, some of which are manually done now. Information required for updating other databases for each birth and death can be directly given from the State level database. Extracting part of the information therein to create a national database to be maintained by the RGI appears an unnecessary duplication and will only create an intermediate administrative layer without any value addition.

The databases maintained by the States now may not follow the same structure for various data items. I am not sure whether they all follow the same standard even for writing the names of individuals. For example, the names of many people in Kerala and Tamil Nadu have the name of the family and father's name preceding the first name of the person while many databases use the first name/ middle name/surname format.

The Central government should prescribe standards for data items in the birth and death database maintained by the State governments. This is necessary even if a national database of births and deaths is to be created. These standards should be common for other databases. This would make it easier to communicate information automatically to other databases. The cultural diversity across the country should be kept in mind while prescribing standards so that the citizens are not hassled later on.

There is a proposal that the RBD Act mention that information from the national database would be used to update the Population Register, Aadhaar database, passport data base, etc. and that the birth and death certificates issued under this Act should be taken as evidence of date and place of birth for issuing Aadhaar cards, passports and driving licence, for enrolling in voter's list or for school admission. These are unnecessary provisions. The law for each of these databases can specify whether the information contained in the birth and death register should be used for a particular purpose. It may

be noted that till recently, the instructions regarding application for a passport contained a provision that only birth certificates issued by the Registrar of Births and Deaths would be accepted as proof of date and place of birth.

Need to look forward

Activities relating to the registration of births and deaths have undergone a sea change in the last decade with computerisation. However, the law has not been amended to take care of this reality. There is a need for updating the law to take care of these and future developments. The proposed amendments fall short of this.

A bill was introduced in Parliament in 2012 to amend the RBD Act to include marriage registration in its purview and to make registration of marriages compulsory. It lapsed as it was not taken up by the Lok Sabha. The Law Commission examined the issue again and recommended in its Report No. 270 that the RBD Act may be amended for including marriage registration. Instead of going for another amendment for this purpose, it should have been taken care of within the current proposals.

(K. Narayanan Unni is former Deputy Registrar General (Civil registration System)).

**11 January 2022
The Hindu**

୧୨୧୨୧୨୧୨

ഗാന്ധി -ദർശനവും പ്രയോഗവും

കെ. സച്ചിദാനന്ദൻ

മഹാത്മാ ഗാന്ധിയെ സ്മരിക്കുവോൾ ഗൗരി ലക്ഷ്മിന്റെ കൊലപാതകത്തെ തുടർന്നു പ്രസിദ്ധീകരിക്കപ്പെട്ട ഒരു കാർട്ടൂൺ ഞാൻ ഓർമ്മിക്കുന്നു. അതിൽ ചോരയൊഴുകുന്ന ആ പത്രപ്രവർത്തകയുടെ ജഡം നോക്കി ഗാന്ധി പറയുന്നു: ഇതു ചെയ്തത് ആരാണെന്ന് എനിക്കറിയാം. അത് ഒരു പക്ഷെ ഗൗരിയുടെ മാത്രമല്ല ഒട്ടനവധി ജഡങ്ങളെ നോക്കി പലകുറി വധശ്രമത്തിന് വിധേയമാക്കപ്പെട്ട ഗാന്ധിയുടെ ആത്മാവ് ഇതുപോലെ തന്നെ മന്ത്രിക്കുന്നുണ്ടാവും, “അതേ എനിക്ക് അറിയാം”.

ജർമ്മനിയിലെ നാസി പാർട്ടിയെ മാതൃക ആക്കി ഹിന്ദു മഹാസഭ പിറവി എടുത്ത ആ ദിവസം തന്നെ അദ്ദേഹത്തിന് അറിയാമായിരുന്നു ഇവർ ഇന്ത്യയുടെ ശവക്കുഴി തോണ്ടും എന്ന്. അന്നുതന്നെ അത് അദ്ദേഹം പറയുകയും, ഹിന്ദു മഹാസഭയുടെ ആശയങ്ങളുമായി തന്റെ വിയോജിപ്പ് പ്രകടിപ്പിക്കുകയും ചെയ്തിരുന്നു.

ഇന്നത്തെ ഭരണകൂടം മഹാത്മാ ഗാന്ധിയെ സ്വച്ഛന്ദാരത പ്രചാരണ പരിപാടിയുടെ പ്രതീകമായി ഇന്ത്യയുടെ തുപ്പുകാരനായി വെട്ടിച്ചുരുക്കിയിരിക്കുന്നു. അദ്ദേഹത്തെ വധിച്ച നാഥുറാം ഗോഡ്സേ തുക്കി കൊല്ലപ്പെട്ട ദിവസത്തെ ബലിദാന ദിവസമായി അവർ ആചരിക്കുന്നു.

ഗാന്ധിയുടെ രൂപമുണ്ടാക്കി അതിനെ വീണ്ടും വീണ്ടും വെടിവെച്ച് ആസ്വദിക്കുന്നു. അദ്ദേഹത്തിനെ അതിന് വളരെമുൻപേ തന്നെ വധിക്കേണ്ടതായിരുന്നു എന്ന് പരസ്യമായി ആഭിപ്രായപ്പെടുന്ന രാഷ്ട്രീയ നേതാക്കളുള്ള ആ പ്രസ്ഥാനം അധീശത്വം നേടിയ കാലത്തിരുന്നതുകൊണ്ടാണ് നാം ഇപ്പോൾ ഗാന്ധിയുടെ വർത്തമാന പ്രസക്തി ചർച്ച ചെയ്യുന്നത്.

ഇത്തരം ഒരു കാലം ഒരു പക്ഷേ ഇന്ത്യയെ സ്നേഹിക്കുന്നവരുടെ ഏറ്റവും ഭീകരമായ ദു:സ്വപ്നങ്ങളിൽ പോലും അടുത്ത കാലം വരെ ഉണ്ടായിരുന്നില്ല എന്ന് ഞാൻ വിചാരിക്കുന്നു. എന്നാൽ ഹിംസ നിയമമാകുന്ന കാലത്തെ ഗാന്ധിയുടെ ഈ തിരസ്കാരം തന്നെയാണ് ഒരു പക്ഷേ അദ്ദേഹത്തെ ഇന്ന് വീണ്ടും ചർച്ചാവിഷയം ആക്കിയിരിക്കുന്നത്. കാരണം അഹിംസാത്മകമായ പ്രതിരോധത്തിന്റെയും, പരിസ്ഥിതി നാശം വരുത്താത്ത വിവേകമുള്ള വികസനത്തിന്റെയും അടിസ്ഥാന തലത്തിലുള്ള ജനാധിപത്യത്തിന്റെയും സർവമത സഹഭാവത്തിൽ അടിയുറച്ച മതേതരത്വത്തിന്റെയും, ലോകം വിഴുങ്ങാനുള്ള മൂലധനത്തിന്റെ ആർത്തികളെ പ്രതിരോധിക്കുന്ന തൃഷ്ണാദമനത്തിന്റെയും, വർഗീയതയുടെ സകല അവതാരങ്ങളെയും നിരാകരിക്കുന്ന ആത്മീയതയുടെയും എല്ലാതരം ശ്രേണീകരണങ്ങളെയും സ്വത്വവിനാശകമായ അധിനിവേശങ്ങളെയും

അധികാരശർവീനേയും ചെറുക്കുന്ന മാനവസമതാത്തിന്റെയും തിളക്കമുറ്റ പ്രതിനിധിയായി ഗാന്ധി ഇന്ന് ലോകമെമ്പാടും ചർച്ച ചെയ്യപ്പെടുന്നു. ഗാന്ധിയെ കുറിച്ചുള്ള കവിതകളിലൂടെ, ലേഖനങ്ങളിലൂടെ, പ്രഭാഷണങ്ങളിലൂടെ എല്ലാം ഗാന്ധിയുടെ മുഖ്യമായ സന്ദേശം എന്താണ് എന്ന് വളരെ സംക്ഷിപ്തമായി പറയാൻ ശ്രമിക്കുക മാത്രമാണ് ഇപ്പോൾ ഞാൻ ഇവിടെ ചെയ്യുന്നത്.

നമുക്കറിയാം നമ്മുടെ മത മതേതരതാത്തിനുള്ള പ്രധാന വെല്ലുവിളി വരുന്നത് വർഗീയതകളിൽ നിന്നാണ് അതിൽ തന്നെയും കൂടുതലും ഭൂരിപക്ഷ വർഗീയതയിൽ നിന്നാണ്. കാരണം ന്യൂനപക്ഷ മതമൗലിക വാദം അതിനുള്ള ഒരു ഇന്ധനം ആയി മാറുകയാണ് ചെയ്യുന്നത്. ജനാധിപത്യത്തിൽ ജനങ്ങളാണ് തീരുമാനങ്ങൾ എടുക്കേണ്ടത്. താഴെ നിന്നും മുകളിലേക്കാണ് തീരുമാനങ്ങൾ പോകേണ്ടത്. എന്നാൽ നിർഭാഗ്യവശാൽ ഇന്ന് ജനാധിപത്യം എന്നത് ഭൂരിപക്ഷത്തിന്റെ സമഗ്രാധിപത്യമായി മാറിയിരിക്കുന്നു. ജനങ്ങളുടെ ശബ്ദത്തെ കേൾക്കാതിരിക്കാനുള്ള ശ്രമങ്ങളായി ജനാധിപത്യം മാറ്റപ്പെട്ടുകൊണ്ടിരിക്കുന്നു.

തങ്ങളുടെ വിഭവങ്ങൾ എങ്ങനെ ഉപയോഗിക്കണം എന്ന് അതാത് പ്രദേശത്തെ ജനങ്ങൾ തീരുമാനിക്കുകയും ഇല്ലാത്ത വിഭവങ്ങൾ അന്വേഷിക്കുകയും ചെയ്യുന്ന ഒരു സമ്പ്രദായമാണ് ഗാന്ധി സ്വപ്നം കണ്ട ജനങ്ങളുടെ പരമാധികാരം അല്ലെങ്കിൽ അദ്ദേഹത്തിന്റെ തന്നെ വാക്ക് ഉപയോഗിക്കുകയാണെങ്കിൽ സ്വരാജ്.

സമ്പൂർണ്ണമായും ജനങ്ങൾ സ്വന്തം കാര്യങ്ങൾ തീരുമാനിക്കുന്ന ഒരു കാലത്തെ കുറിച്ചാണ് അദ്ദേഹം മാർക്സിനെപ്പോലെ തന്നെ സ്വപ്നം കണ്ടത്. മാർക്സ് ഭരണകൂടം കൊഴിഞ്ഞുപോകുന്ന ഒരു കാലത്തെ കുറിച്ച് സംസാരിച്ചു എങ്കിൽ ഗാന്ധി ഭരണകൂടം തന്നെ കൊഴിഞ്ഞുപോകുന്ന ഒരു കാലത്തെ കുറിച്ച് സംസാരിച്ചു എങ്കിൽ ഗാന്ധി ഭരണകൂടം തന്നെ ആനാവശ്യമാകുന്ന ഒരു വ്യവസ്ഥയെ കുറിച്ചാണ് വിഭാവനം ചെയ്യുകയും സംസാരിക്കുകയും ചെയ്തത്. അതുകൊണ്ടുതന്നെ അദ്ദേഹം ശക്തമായ ഒരു ദേശരാഷ്ട്രത്തിൽ ഒരിക്കലും വിശ്വസിച്ചിരുന്നില്ല.

അതുകേൾക്കുന്നതാണ് മതേതരതാത്തിന്റെ കാര്യം. ഗാന്ധി മതാടിസ്ഥാനത്തിലുള്ള രാഷ്ട്രത്തിലോ പൗരത്വത്തിലോ അല്പം പോലും വിശ്വസിച്ചിരുന്നില്ല. പൗരത്വ ഭേദഗതി നിയമം കൊണ്ടുവരുന്ന ഒരു ഭരണകൂടത്തിനെ തിരെ അദ്ദേഹം നിസംശയമായും ഒരു നിസ്സഹരണ പ്രസ്ഥാനം നയിക്കുമായിരുന്നു. ന്യൂനപക്ഷ സംരക്ഷണത്തിനു വേണ്ടി ഒരു പക്ഷേ ഒരിക്കൽകൂടി ആത്മത്യാഗം ചെയ്യാൻ അദ്ദേഹം ഒരിക്കലും മടിക്കുമായിരുന്നില്ല. കാരണം അദ്ദേഹത്തിന്റെ അടിസ്ഥാന പ്രമാണം തന്നെ സർവ്വധർമ്മ സമഭാവമായിരുന്നു. അദ്ദേഹം ആദ്യകാലത്ത് അയിത്തത്തെ മാത്രമേ എതിർത്തുള്ളൂ എന്നുള്ളത് ശരിയാണ്, എന്നാൽ പിന്നീട് വർണാശ്രമ ധർമ്മത്തിന്റെ അപകടങ്ങൾ മനസിലാക്കി യതോടുകൂടി അദ്ദേഹം ജാതിയെയും വർണ്ണ സമ്പ്രദായത്തെയും പൂർണ്ണമായി തള്ളിപ്പറഞ്ഞുകൊണ്ട്

ശ്യാംലാലിനെ പോലുള്ള തന്റെ സുഹൃത്തുക്കൾക്ക് കത്തയക്കുകയും അത് സ്വയം പറയുകയും ചെയ്തു. അല്പം കൂടി ജീവിച്ചിരുന്നെങ്കിൽ നമുക്ക് ജാതിയും മതവും ഇല്ല എന്ന് ശ്രീനാരായണ ഗുരുവിനെപ്പോലെ ഗാന്ധിയും പറയുമായിരുന്നു എന്ന കാര്യത്തിൽ എനിക്ക് സംശയമില്ല. കാരണം വർണ്ണങ്ങൾ നിലനിൽക്കുന്നിടത്തോളം തൊഴിലും വർണവും ബന്ധപ്പെട്ട് കിടക്കുമെന്നും അപ്പോൾ ജാതിയും നിലനിൽക്കും എന്നും ഗാന്ധി തന്നെ വിശദീകരിച്ചിട്ടുണ്ട് അങ്ങനെ മനുവാദത്തെ പൂർണ്ണമായും തിരസ്കരിച്ചിട്ടുണ്ട്.

ജാതി ലിംഗ വിവേചനങ്ങൾ നിയമനിർമ്മാണത്തിലൂടെ മാത്രം പരിഹരിക്കാൻ ആവില്ല എന്ന് ഗാന്ധി ഒരു പക്ഷെ അംബേദ്കർക്ക് മുമ്പേ തന്നെ തിരിച്ചറിഞ്ഞിരുന്നു. ഗാന്ധി എന്നും വിശ്വാസം അർപ്പിച്ചത് സംവാദങ്ങളിലാണ്. സംവാദത്തിന്റെ ആദ്യ വ്യവസ്ഥ തന്നെ തുല്യതയാണ്. കോൺഗ്രസിനെ വരേണ്യരുടെ ഒരു ക്ലബ്ബ് എന്ന അവസ്ഥയിൽ നിന്ന് ജനകീയമായ ഒരു സംഘടനയായി പരിവർത്തിപ്പിക്കാൻ അദ്ദേഹത്തിന് കഴിഞ്ഞത് നിരന്തരമായി അദ്ദേഹം നടത്തിയ സംഭാഷണങ്ങളിലൂടെയാണ്. നേതാക്കളുമായുള്ള സംഭാഷണങ്ങൾ മാത്രമല്ല ജനങ്ങളുമായുള്ള സംഭാഷണങ്ങളിലൂടെയാണ് കോൺഗ്രസ് സ്വാതന്ത്ര്യാനന്തര കാലഘട്ടത്തിൽ അധികാരത്തിനുവേണ്ടി മത്സരിക്കുന്നതു കണ്ടപ്പോൾ കോൺഗ്രസ് പിരിച്ചുവിടണം എന്ന് പറയാൻ അദ്ദേഹത്തിന് കഴിഞ്ഞതും അതുകൊണ്ടു തന്നെയാണ്.

അവിശുദ്ധമായ മാർഗങ്ങളിലൂടെ ശുദ്ധമായ ലക്ഷ്യങ്ങളിൽ എത്താൻ കഴിയുകയില്ല എന്ന് അദ്ദേഹം വിശ്വസിച്ചു. ഇത് മാർക്സിന്റെ തത്വങ്ങളുമായി ഒത്തുപോകുന്നതാണ്. കാരണം മാർക്സിന്റെ ഏറ്റവും പ്രശസ്തമായ പ്രസ്താവനങ്ങളിൽ ഒന്ന്, ഇതാണ് സത്യം ഇവിടെ മുട്ടുകുത്തുവിൻ എന്ന് നാം പറയുന്നില്ല എന്നതാണ്. ഗാന്ധിയും വാസ്തവത്തിൽ ഇത് തന്നെയാണ് പറഞ്ഞത്. ഇതാണ് സത്യം ഇവിടെ മുട്ടുകുത്തുവിൻ എന്ന് അദ്ദേഹം ഒരിക്കലും പറഞ്ഞില്ല. താൻ സത്യം അന്വേഷിച്ചുകൊണ്ടിരിക്കുകയാണ് എന്നാണ് അവസാനം വരെ അദ്ദേഹം പറഞ്ഞുകൊണ്ടിരുന്നത്.

ഭരണകൂടം ഹിംസയുടെ സാമ്പ്രദായം സംഘടിതവുമായ രൂപമാണെന്നും അത് ആത്മാവില്ലാത്ത ഒരു യന്ത്രം ആണെന്നും അതിനു ജന്മം നൽകിയ ഹിംസയിൽ നിന്ന് അതിന് ഒരിക്കലും മോചനം നേടാൻ ആവില്ലെന്നും ഗാന്ധി ആ കാലത്തു തന്നെ ഹിന്ദുസ്ഥാൻ ടൈംസിൽ എഴുതിയ ഒരു ലേഖനത്തിൽ പറയുന്നുണ്ട്. അതുകൊണ്ട് ഭരണകൂടം ഇല്ലാത്ത അഥവാ ഭരണം കൂടം ദുർബ്ബലമാകുന്ന ഒരു അവസ്ഥയിലായിരുന്നു ഗാന്ധി എല്ലാക്കാലത്തും വിശ്വസിച്ചു പോന്നിട്ടുള്ളത്. തിന്മയും ക്രൂരതയും മനുഷ്യന്റെ അടിസ്ഥാന സ്വഭാവങ്ങളാണ് എന്ന് ഗാന്ധി ഒരിക്കലും കരുതിയില്ല. മറിച്ച് അത് പരിതസ്ഥിതികളുടെ സൃഷ്ടികളാണ് എന്നാണ് അദ്ദേഹം വിശ്വസിച്ചത്. കൂട്ടക്കൊലയുടെ ആയുധങ്ങൾ നിറഞ്ഞ ഒരു ലോകത്തിൽ അഹിംസ ഒരു മുല്യം മാത്രമല്ല, അതിജീവനത്തിന് അനിവാര്യമായ ഒരു കാര്യം കൂടി ആണ് എന്ന് അദ്ദേഹം കരുതി. ഹിംസയുടെ പ്രകീർത്തനം

മിഥ്യയാണ് എന്ന് ഗാന്ധി സങ്കാരണം പ്രസ്താവിച്ചു. ജനങ്ങൾ അവരുടെ സാഹസികതയെ ദുരൂഹ മാറി നിന്ന് ആസ്വദിച്ചേക്കാം, ഈ ഹിംസയിൽ വിശ്വസിക്കുന്ന വീര നായകരുടെ കാര്യമാണ് പറയുന്നത്. എന്നാൽ ജനങ്ങൾ ഒരിക്കലും അതിന്റെ ഭാഗം ആകുകയില്ല. അതിന് പകരം അവർ കർത്യരഹിതരായ കാണികൾ മാത്രമായിരിക്കും. അതുകൊണ്ടാണ് ജന സംഘാടനം എന്ന കഠിനമായ കർത്തവ്യം ആണ് നാം നിർവഹിക്കേണ്ടത് എന്ന് ഗാന്ധി ആവർത്തിച്ച് പറഞ്ഞുകൊണ്ടിരുന്നത്. അപ്പോൾ ജനങ്ങളെ ഒന്നിപ്പിക്കണമെങ്കിൽ അവരെ ബോധവൽക്കരിക്കണം, പ്രവർത്തനസജ്ജരാക്കണം. സത്യം, ധർമ്മം, പൊതുവായ ധർമ്മികത എന്നിവയെ മുറുകെ പിടിക്കണം. ഇവയൊക്കെ ഒഴിവാക്കാനുള്ള എളുപ്പവഴിയാണ് ഹിംസാത്മകമായി സമരമെന്ന് ഗാന്ധി തിരിച്ചറിഞ്ഞു. ഹിംസയിലൂടെ നേടുന്ന സ്വാതന്ത്ര്യത്തിന് ഒരു സാധ്യതകളും ഇല്ല. അത് ഒരിക്കലും നിലനിൽക്കുകയുമില്ല. ഹിംസ മനസിനെ കൃഷ്ണം. പ്രധാന വിഷയങ്ങളിൽ നിന്ന് ശ്രദ്ധ വ്യതിചലിപ്പിക്കുന്നു. എന്ന് ഗാന്ധി മനസ്സിലാക്കി. അതുകൊണ്ട് തന്റെ സത്യാന്വേഷണം, തന്റെ അജ്ഞാനം തനിക്കുതന്നെ വെളിവാക്കി എന്ന് ഗാന്ധി പറഞ്ഞു. അത് തന്നെ വിനയാന്വിതൻ ആക്കി എന്നദ്ദേഹം പറഞ്ഞു. അതിന്റെ കൂടെ അടിസ്ഥാനത്തിലാണ് വാക്കിലും ചിന്തയിലും പ്രവൃത്തിയിലും ഉള്ള ഹിംസ തെറ്റാണ് എന്ന നിഗമനത്തിൽ ഗാന്ധി എത്തിച്ചേരുന്നത്.

അതുപോലെതന്നെ ഗാന്ധി ഗൃഹകളിലോ മലകളിലോ ഏകാന്തതയിലോ വനങ്ങളിലോ പോയി മോക്ഷത്തിനുവേണ്ടി തപസ്യരുന്ന ഒരാളല്ല. ജനങ്ങൾക്കിടയിൽ ആണ് തന്റെ പ്രവർത്തനം എന്ന് അദ്ദേഹം ആവർത്തിച്ചുവർത്തിച്ച് പറഞ്ഞു. മറ്റുള്ളവരോട് നിങ്ങൾ ചെയ്യുന്നത് നിങ്ങളോട് തന്നെയാണ് നിങ്ങൾ ചെയ്യുന്നത് എന്നായിരുന്നു അദ്ദേഹത്തിന്റെ സിദ്ധാന്തം. അല്ലാതെ മറ്റുള്ളവർ നിങ്ങളോട് എന്ത് ചെയ്യണമെന്ന് ആഗ്രഹിക്കുന്നുവോ അത് മറ്റുള്ളവരോട് ചെയ്യൂ. എന്നുള്ളതായിരുന്നില്ല. മറ്റുള്ളവരോട് നിങ്ങൾ ചെയ്യുന്നത് നിങ്ങളോട് തന്നെയാണ് നിങ്ങൾ ചെയ്യുന്നത് എന്നതായിരുന്നു അതായത് മറ്റുള്ളവരെ ദ്രോഹിക്കുകയാണെങ്കിൽ നിങ്ങൾ നിങ്ങളെ തന്നെയാണ് ദ്രോഹിക്കുന്നത്, മറ്റുള്ളവരെ സ്നേഹിക്കുകയാണെങ്കിൽ അതിലൂടെയാണ് നിങ്ങളുടെ സ്നേഹം നിങ്ങൾ പ്രകടിപ്പിക്കുന്നത് എന്നതായിരുന്നു ഗാന്ധിജിയുടെ സിദ്ധാന്തം. ഇതിനർത്ഥം ഗാന്ധി കാര്യങ്ങളെയൊക്കെ കറുപ്പും വെളുപ്പുമായി മാത്രം കണ്ടു എന്നല്ല. ചില പ്രത്യേക സന്ദർഭങ്ങളിൽ അദ്ദേഹം ഹിംസയെ പോലും ന്യായീകരിച്ചിട്ടുണ്ട്. ഒരു കൂട്ടം സ്ത്രീകൾ തങ്ങൾ ബലാൽസംഗം ചെയ്യപ്പെടുന്ന അവസ്ഥയിൽ പല്ലും നഖവും ഉപയോഗിക്കാമോ എന്ന് ചോദിച്ചപ്പോൾ ഗാന്ധി പറഞ്ഞത് 'നിശ്ചയമായും അത് ചെയ്യാം' എന്നാണ്. അതുപോലെതന്നെ ഒരു രോഗിയെ രക്ഷിക്കാൻ വേണ്ടി ഒരു സർജൻ ഡോക്ടർ ഉപയോഗിക്കുന്ന ഹിംസ അത് ഹിംസയല്ല അഹിംസയാണ് എന്ന്

അദ്ദേഹം പന്ത്രണ്ടു കാരണം ആത്യന്തികമായി ഒരു ഹിംസയെ അഹിംസയായി തന്നെയാണ് അദ്ദേഹം കരുതിയത്. ചുരുക്കം പറഞ്ഞാൽ ഗാന്ധിയുടെ സ്വാഭാവികമായ തത്വം അഹിംസയാണ്. ഹിംസ വേണമെങ്കിൽ അതിനു കൃത്യമായ ന്യായീകരണം ഉണ്ടാകണം. അതിന്റെ ധർമ്മികമായ ഉത്തരവാദിത്വം ഹിംസ ചെയ്യുന്നയാൾ ഏറ്റെടുക്കുകയും വേണം. അപ്പോൾ ഇന്നത്തെ ഇന്ത്യയിൽ ഗാന്ധി പ്രസക്തനാകുന്നത് അദ്ദേഹം തുടങ്ങിവെച്ച അനേകം സംവാദങ്ങളിലൂടെയാണ്. വർഗീയതയ്ക്കെതിരെ മതാഹന്തയ്ക്കെതിരെ, പരമതനിന്ദയ്ക്കെതിരെ, ഭൂരിപക്ഷ ദുരാധിപത്യത്തിനെതിരെ, വംശഹത്യയ്ക്കെതിരെ, അവകാശ നിഷേധങ്ങൾക്കെതിരെ, ജാതിക്കും അയിത്തത്തിനും ദുരാചാരങ്ങൾക്കുമെതിരെ, അസമത്വത്തിനും അഴിമതിക്കും രാഷ്ട്രീയ അധികാര ഗർവ്വിനുമെതിരെ, സത്യം തങ്ങളുടെ കയ്യിൽ ആണെന്നും അതു മുഴുവനായി വെളിപ്പെട്ടു കഴിഞ്ഞു എന്നും അത് നടപ്പിലാക്കാൻ തങ്ങൾ നിയോഗിക്കപ്പെട്ടിരിക്കുന്നു എന്നും ഉള്ള നിലപാടുകൾക്കെതിരെ അദ്ദേഹം

ആരംഭിച്ച സംഭാഷണങ്ങളും പ്രവർത്തനങ്ങളും മുന്നോട്ടു കൊണ്ടു പോകാതെ നമുക്ക് അദ്ദേഹത്തിന്റെ കൊലപാതകികളുടെ പ്രത്യയശാസ്ത്രം സഹലമായി ചെറുക്കാൻ ആവില്ല. അവരുടെതന്നെ പ്രത്യയശാസ്ത്രം കൊണ്ട് നമുക്കവരെ ചെറുക്കാൻ ആവില്ല. ഇത് മറ്റ് വിചിന്തന വിശകലന രീതികളുടെ നിഷേധമല്ല.

വാസ്തവത്തിൽ ഗാന്ധിയുടെ സക്രിയമായ സന്ദേശം എന്തായിരുന്നു എന്ന് അദ്ദേഹം നിർദ്ദേശിച്ച സത്യഗ്രഹത്തിന്റെയും നിസഹകരണത്തിന്റെയും മറ്റും അർത്ഥം എന്തായിരുന്നു എന്ന് അദ്ദേഹത്തിന്റെ അഹിംസാ തത്വത്തിന്റെ യഥാർത്ഥമായ ദാർശനികവും പ്രായോഗികവുമായ അടിസ്ഥാനങ്ങൾ എന്തായിരുന്നു എന്ന് അന്വേഷിക്കുകയും വേണം അതിലൂടെ മാത്രമേ ഹിംസയിൽ അടിയുറച്ച ഇന്നത്തെ ഭരണകൂടത്തെ വെല്ലുവിളിക്കാനും അവരുടെ ഹിംസാത്മകമായ പദ്ധതികളെ തോൽപ്പിക്കാനും നമുക്ക് കഴിയൂ. അതാണ് ഗാന്ധിയുടെ സന്ദേശം.

(യുവകലാസാഹിതി സംസ്ഥാന വ്യാപകമായി സംഘടിപ്പിച്ച ‘ഗാന്ധി-ജീവിക്കുന്ന രക്തസാക്ഷി’ പ്രഭാഷണപരമ്പരയിൽ ജനുവരി 30-ന് കെ. സച്ചിദാനന്ദൻ നടത്തിയ സമാപന പ്രഭാഷണത്തിന്റെ സംക്ഷിപ്തരൂപം. yuvakalasangamam keralam ഫെസ്ബുക്ക് പേജിൽ പ്രഭാഷണത്തിന്റെ പൂർണ്ണരൂപം നേരിട്ട് കേൾക്കാവുന്നതാണ്.)

ജനയുഗം
4 ഫെബ്രുവരി 2022

ഈ ലേഖനം

LOCAL JOB LAWS THAT RAISE CONSTITUTIONAL QUESTION

State laws that limit the rights of out-of-State citizens go against the idea of India being one nation

M. R. MADHAVAN

The Supreme court of India will soon hear a petition to remove the stay on the Haryana State Employment of Local Candidates Act, or the Haryana Act, that reserves 75% of jobs in the private sector in the State for local residents. The Act applies to jobs that pay up to 30,000 per month, and employers have to register all such employees on a designated portal. The Government may also exempt certain industries by notification, and has so far exempted new start-ups and new Information Technology Enabled Services (ITES) companies, as well as short term employment, farm labour, domestic work, and promotions and transfers within the State. The Act was enacted in February 2021, and brought into effect in January 2022. Last week, the Punjab and Haryana High Court admitted a petition challenging the constitutionality of the Act, and stayed

the implementation until it heard the case. The petition in the Supreme Court is by the Haryana government to remove the stay.

At the core of the issue

Other States such as Andhra Pradesh and Jharkhand have passed similar Bills. The Andhra Pradesh legislation has been challenged in the Andhra Pradesh High Court. These Acts raise several constitutional questions. The Supreme Court will first have to decide whether it will wait for the High Courts to decide the respective cases (and then hear any appeal), or whether it will draw the cases to itself as similar substantial constitutional issues are pending across High Courts.

There are at least three important constitutional questions that arise from this Act. First, Article 19(1)(g) of the Constitution guarantees freedom to carry out any occupation, trade or business. There may be reasonable restrictions “in the interests of the general public”, and in particular

related to specifying any professional technical qualifications, or to reserve a sector for government monopoly. This Act, by requiring private businesses to reserve 75% of lower end jobs for locals, encroaches upon their right to carry out any occupation.

In 2002, in the T.M.A. Pai Foundation case, the Supreme Court stated that private educational institutions have autonomy in their administration and management. In 2005, in the P.A. Inamdar case, it said that reservation cannot be mandated on educational institutions that do not receive financial aid from the state, as that would affect the freedom of occupation. In 2005, the Constitution was amended to allow reservation in private educational institutions for socially and educationally backward classes and Scheduled Castes and Scheduled Tribes. Note that this amendment applies to admissions in private educational institutions and not to jobs in the private sector.

Second, the provision of reservation by virtue of domicile or residence may be unconstitutional. Article 16 of the Constitution specifically provides for equality of

opportunity for all citizens in public employment. It prohibits discrimination on several grounds including place of birth and residence. However, it permits Parliament to make law that requires residence within a State for appointment to a public office. Note two points here. This enabling provision is for public employment and not for private sector jobs. And the law needs to be made by Parliament, and not by a State legislature.

Point of a 'special case'

There have been several cases related to public employment. For example, the Supreme Court, in 2002, ruled that preference given to applicants from a particular region of Rajasthan for appointment as government teachers was unconstitutional. It said that reservations can be made for backward classes of citizens but this cannot be solely on account of residence or domicile. In 1995, Rules in Andhra Pradesh that gave preference to candidates who had studied in the Telugu medium were struck down on grounds that it discriminated against more meritorious candidates.

The third question is whether 75% reservation is permitted. In the *Indra Sawhney* case in 1992, the Supreme Court capped reservations in public services at 50%. It however said that there may be extraordinary situations which may need a relaxation in this rule. It gave examples of far-flung and remote areas, where the population may need to be treated in different ways. It also specified that “in doing so, extreme caution is to be exercised and a special case made out”. That is, the onus is on the State to make a special case of exceptional circumstances, for the 50% upper limit on reservations to be relaxed.

This question has arisen in several cases later. *Telangana (2017)*, *Rajasthan (2019)* and *Maharashtra (2018)* have passed Acts which breach the 50% limit. The Maharashtra Act, which provided reservations for Marathas was struck down by the Supreme Court in May 2021 on grounds of breaching the 50% limit. It stated that the 50% limit is “to fulfil the objective of equality”, and that to breach the limit “is to have a society which is not founded on equality but on caste rule”.

Affects equality

The Haryana Act does not further “caste rule” as it is for all residents of the State irrespective of caste but it breaches the notion of equality of all citizens of India. Again, note that all these cases relate to either public employment or to admissions to educational institutions, while the Haryana Act is about private sector employment. However, one may contend that any reservation requirement imposed on the private sector should not be higher than the limits on the public sector.

Over the last three years, three states have enacted laws that limit employment for citizens from outside the State. These laws raise questions on the conception of India as a nation. The Constitution conceptualises India as one nation with all citizens having equal rights to live, travel and work anywhere in the country. These State laws go against this vision by restricting the right of out of State citizens to find employment in the State. This restriction may also indirectly affect the right to reside across India as finding employment becomes difficult. If more States follow similar policies,

it would be difficult for citizens to migrate from their State to other States to find work.

Another fallout

There would be adverse economic implications of such policies. other than potentially increasing costs for companies, there may also be an increase in income inequality across States as citizens of poorer States with fewer job opportunities are trapped within their States. There may also be

serious consequences to the Idea of India as a nation. Can people across States imagine themselves as citizens of one nation if they cannot freely find work and settle down across the nation? The courts, while looking at the narrow questions of whether these laws violate fundamental rights should also examine whether they breach the basic structure of Constitution that views India one nation which is a Union of States, and not as a conglomeration of independent States.

(M.R. Madhavan is President of PRS Legislative Research, New Delhi)

The Hindu
11 February 2022

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INDIA HAS STILL TO GET A GOOD GRIP ON ROAD

The Centre and States need to be on the same page in improving and strengthening safety plans and Infrastructure

R. K. Vij

Last year, while inaugurating a webinar on 'Vehicle Crashes and Road Safety', organised by the MIT Art Design and Technology (ADT) University, Pune, Union Minister for Road Transport and Highways Nitin Gadkari remarked that "the target is to reduce 50% of road accidents by 2025", adding that "we can achieve zero deaths due to road accidents by 2030". He said that the Ministry of Road Transport and Highways had participated in a conference in Sweden in 2020 - the Third High Level Global Conference on Road Safety for Achieving Global Goals 2030 - where it was conceptualised to have zero road fatalities in India by 2030. Therefore, there was a need to expedite the task of saving lives in accidents.

Though it is essential to remain focused in this approach and be optimistic while fixing targets, the past record of road accidents and available infrastructure to deal with road safety measures in India should not be lost sight of, particularly when the enforcement of motor vehicle related laws is primarily the responsibility of the States.

In numbers

Where do we stand *vis-a-vis* last decade's target? In 2010, the United Nations General Assembly, after considering the alarming situation of road accidents fatalities, adopted the Global Plan for the Decade of Action for Road Safety 2011-2020 aimed at reducing fatalities in road accidents by 50% by the year 2020, and was accepted by much of the world including India. Though a number of steps have been taken in the last decade to check road accidents, statistics published by the Ministry of Road Transport and Highways show that the number of deaths in road accidents increased from 1,42,485 in 2011 to 1,51,113 in 2019. The Ministry is yet to publish its data for the year 2020, but the annual publication of the National Crime Records Bureau, titled *Accidental Deaths & Suicides in India (2020)* shows that 1,33,201 deaths were recorded in 2020. This reduction of accidents in 2020 was primarily due to the - various lockdowns which were in force during the first wave of COVID-19, when only a limited number of motor vehicles were on the roads. However,

the fatality (that is a number of deaths per 100 accidents) which was 26.9 in 2001, continued to rise from 28.63 in 2011 to 37.54 in 2020. Thus, it is evident that despite setting a target of a 50% reduction in accidental death, the fatalities from road accidents actually increased in the last decade.

Court interventions

The Supreme Court of India while hearing a petition filed by Dr. S. Rajasekaran, an orthopaedic surgeon and then President of the Indian Orthopaedic Association (WP (Civil) No. 295 of 2012), on road safety, passed an order to constitute a ‘Committee on Road Safety’ under the chairmanship of Justice K.S. Radhakrishnan, which was notified by the Ministry of Road Transport and Highways on May 30, 2014. The Court on November 30, 2017, issued a number of directives with regard to road safety that, *inter alia*, included the constitution of a State Road Safety Council, establishment of lead agency, the setting up of road safety fund, notification of a road safety action plan, the constitution of a district road safety committee, engineering improvements, the identification and rectification of black spots, the adoption of traffic calming measures, conducting road safety audits, the acquisition of road safety equipment, the establishment of trauma care centres and the inclusion of road safety

education in the academic curriculum of schools. Though the Committee on Road Safety followed up every directive of the Court with States and helped in improving the over-all road safety scenario, there is many a slip between the cup and the lip.

The ground reality

The Motor Vehicles (MV) Act of 1988 was partially amended in August 2019, and some of the amended and new sections which made traffic violations more stringent, came into effect from September 1, 2019. However, most States did not increase the corresponding compounding traffic violations fee. This increase was criticised and people protested on the pretext that the (fine) paying capacity of the average Indian was still limited. Also, only a few cases of traffic violations are contested by the accused in a court of law. Therefore, the expected impact of the deterrent provisions of the amended law could not be realised on ground.

Second, the enforcement manpower that is available is insufficient to deal with the steadily increasing volume of traffic. The automation of processes is still in its infancy and limited to large cities. The number of ‘hit and run’ cases may decrease if the ‘Intelligent Traffic Management System’ is implemented on highways and other major roads. The Bureau of Police Research and Development has

suggested a formula to calculate the number of traffic police- men required in any district. It is largely based on the number of registered motor vehicles in any district. Similar ideas were suggested for traffic equipment requirements also. However, the actual enforcement staff and equipment (due to a limited road safety fund or other funds at the disposal of the police) are insufficient to effectively check traffic violations.

Third, there are inadequate funds for the rectification of black spots and the undertaking of traffic calming measures. Though more than 60% road accidents reportedly take place because of over speeding, 'speed limit' sign boards are rarely seen or found even on State highways and major roads.

Fourth, most drivers, conductors, and other staff in transport companies (except for government corporations) do not get benefits of the organised sector. They draw a meagre salary, usually do not have a weekly off and are most often forced to work over time. Therefore, unless their service conditions are improved, their attitude towards road safety cannot be expected to be above board.

Unsafe roads

Fifth and perhaps the most challenging task - is to improve the driving skills of drivers and change the casual attitude of other road users

towards road safety. Even today, getting a driving licence is not a difficult task. There is no standard written and rigorous practical test. Many States do not have test driving tracks. There are no institutes for refresher training if a driving licence of a person is suspended. Though the amended Motor Vehicles Act has certain provisions in this regard, they have yet to come into force.

It has been observed that about two-thirds of victims of road fatalities are two-wheeler drivers and pillion riders, but there is not enough emphasis being given to them. Though the wearing of safety headgear is mandatory, it is not enforced strictly in all States due to a lack of strong will. Even an amended provision that relates to 'offences by Juveniles is not enforced strictly. The Emergences Response support System (ERSS) with its pan-India emergency response number, 112, has proved very useful in saving the lives of accident victims in golden hour, but this scheme has not been implemented evenly across States.

Better data collection

The accident data collection format of the Ministry of Road Transport and Highways, and now a part of the Crime and Criminal Tracking Network & Systems (CCTNS) of the police, is quite cumbersome (it requires about 60

fields to be filled up). This process of data collection is quite time consuming but it is essential to identify the true cause of an accident and take remedial measures. Similarly, the main objective of the recent iRAD (Integrated Road Accident Database) Project, an initiative of the Ministry of Road Transport and Highways, funded by the World Bank, and under implementation, is to enrich the accident database and improve road safety in the country by collecting data from different stakeholders using the iRAD mobile and web application. Hopefully, the integration of these projects will bring some synergy and

make the data collection procedure more user friendly.

A number of steps have been taken by the Ministry of Road Transport and Highways and States to improve the road safety scenario in the country. Lives cannot be lost at the cost of poor enforcement of traffic laws. However, unless the States and the Centre are on the same page in improving and strengthening the infrastructure of States by enabling more funds merely and only fixing targets will not be a pragmatic approach to reduce road accident fatalities.

*(R.K. Vij is a former Special Director General of Police, Chhattisgarh,
The views expressed are personal)*

**The Hindu
18, February 2022**

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A WAKE UP CALL

A Parliamentary Standing Committee pulls up the Rural Development Ministry in its report on a “critical evaluation” of the MGNREGA and

By T. K. Rajalakshmi

A PARLIAMENTARY Standing Committee report of the Ministry of Rural Development and Panchayati Raj, tabled in February, strongly recommends enhancing the budget for implementation of work under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, higher wage rates, and increasing the number of person days to 150 from the present 100 days. (The report makes 33 recommendations in all.) It has also pulled up the Rural Development Ministry for its “lackadaisical” approach towards the scheme.

The committee was “bemused” that the Ministry as the nodal agency had highlighted only the “loopholes” of State governments. This was “completely unacceptable” and the blame game was “unpalatable”, it said. The need of the hour in a federal form of government was “not finger-pointing” to the “detriment of a public welfare scheme” but working in “unison” with the “common goal of the upliftment of the lives of the rural masses”. It described as “unfathomable” the notified wage rates of Bihar, Uttar

Pradesh, Jharkhand and West Bengal at Rs. 198, Rs. 204, Rs. 198 and Rs. 213 respectively.

Taking a strong view of pending wage liabilities of Rs. 2,76,378.22 lakh as of November 2021, the committee stated that it felt “sorry” at the state of affairs. Noting that the beneficiaries of the scheme were people whose hopes for a “decent upliftment of their economic status” hinged upon the “succour” from the scheme, it held that “no reason was good enough” for the “huge pendencies” and asked the Ministry to “pull up its socks”.

It has also expressed surprise at the reduced budget for the scheme in the current fiscal year. The committee, which undertook field visits in some States, observed that the Revised Estimates for the last four to five years had been going up in keeping with the increased demand for work. Therefore, the rationale for keeping the budget estimate for 2021-22 at Rs.73,000 crore was “perplexing”, especially as the expenditure for the previous financial year was Rs.1,11,170.86 crore. The Government had itself acknowledged a

surge in demand for work in 2020- 21 because of reverse migration and the consequent dependence on MGNREGA work as a “last resort of solace”. The Department of Rural Development, it said, should review its budget keeping in mind expenditure of the last few years.

The report is a scathing indictment of the reduced importance given to the MGNREGS, considering the massive scale of rural distress, rural unemployment both in the pre-pandemic and pandemic periods. The MGNREGS as envisaged under the Act is a demand-driven scheme. The Central government under provided for the scheme in the Budget Estimates of 2021-22, which drew a critical response in the parliamentary committee report. The Budget Estimates for 2022-23 also under-provided for the scheme. Government spokespersons defend the decision on the grounds that the scheme is demand driven and is a safety net rather than a solution for unemployment; they say that the Budget for the current fiscal focuses on creating employment and that the dependence on MGNREGA has been consequently reduced. In 2020-21, the allocation for the scheme in the Revised Estimates was much higher than the figure in the Budget Estimates because of the lockdown-induced distress; yet the amount that was released finally fell short of the figure in the Revised Estimates. The

Central funds released until September 2021 was less than what was released in 2017-18.

Under the 2005 Act, hundred days of guaranteed wage employment must be provided each financial year to every rural household whose adult members volunteer to do unskilled manual work. The committee found that the average number of days of work per household was 51.52 days in 2020-21 and 31.68 days in 2021-22 until August 2021. The average wage rate in 2021- 22 was Rs.206.39 and Rs.200.72 in 2020-21.

Under the Act, the Central government is supposed to meet the cost of wages and three-fourths of the material cost of the scheme and a percentage of the administrative costs. The State governments are supposed to pay the unemployment allowance, one fourth of the material cost and administrative costs of the State Councils. The Act provides for an unemployment allowance for those persons who were not given work despite an application seeking employment, payable within 15 days of the application. Wage payment delays have to be compensated for. The households that were provided employment in 2021-22 numbered 537.781lakh (as of August 31, 2021), of whom 7.76 lakh received 100 days of work. As these figures are until August

2021 only, it can be assumed that the actual numbers are somewhat higher. However, if the figures of the previous year are looked at, the scenario is not very encouraging. In 2020-21, 755.36 lakh households were provided employment, but only 72 lakh households completed 100 days of work. In 2019-20, of 548.23 households that were provided work, 40.60 lakh households completed 100 days of employment. The average number of days of employment per household was 31.68 in 2021-22 (until August 2021), 51.52 in 2020-21, 48.4 in 2019-20 and 50.88 in 2018-19. Among the BIMARU States, the average was below the national average in Uttar Pradesh: Uttarakhand, Bihar and Jharkhand. The States that ranked consistently above the national average were Kerala, Meghalaya and Mizoram. The work completion rate was over 90 per cent in Andhra Pradesh, Chhattisgarh, Kerala, Mizoram, Nagaland, Puducherry and Tripura.

WAGE RATE VARIATIONS

There was a wide variation in the wage rates. In some gram panchayats in Sikkim the wage rate was as high as Rs.313. In Goa, Kerala, and the Union Territory of Nicobar it was more than Rs.290. In Uttar Pradesh

and Uttarakhand, it was as low as Rs.204 and in Bihar, Madhya Pradesh Chhattisgarh and Jharkhand below Rs.200. The figures also revealed a huge pendency in payment of wages running into lakhs of rupees for workers from the Scheduled Castes, Scheduled Tribes and others. Strangely, there appeared to be no problem of pendent wages in the Bharatiya Janata Party –ruled States of Uttar Pradesh, Uttarakhand, Tripura, Goa and Assam.

Among non-BJP States, only Chhattisgarh claimed to have no wage backlog. Overall, unpaid wages ran to the tune of Rs.33,918.30 lakhs for workers from Scheduled Castes; Rs.33,054.60 lakh to workers from Scheduled Tribes and Rs. 2,09,405.32 lakh for those in the “Others” category. According to the Ministry, the delay in the payment of wages was because of the failure in the transfer of payment, which was caused by inactive, frozen, closed or absent Aadhaar accounts. The Secretary of the Department of Rural Development put the responsibility on the State governments for not sorting out the technical failures involved, unmindful of the fact that it was the Centre that had made Aadhaar-linked accounts mandatory for payments. He claimed that the rejected transactions amounted to only 1.15 per cent of the total number of responses. Yet, in actual

numbers the rejected transactions added up to 3,99,096. For the government, this was a technical glitch; for the three lakh or so workers and their families, it might have been a choice between life and death.

ONUS ON STATES: CENTRE

In response to a question by the parliamentary committee on whether the government would consider increasing the number of days of work under the scheme, the Ministry of Rural Development said 50 days' additional work could be provided in the event of natural calamities. The onus was on the States to provide extra days of employment if they wanted. The committee was also told that no State had been provided funds for additional working days in the current fiscal year. So, despite the extraordinary circumstances that the rural poor had faced prior to, during and after the pandemic, there was neither any intention to substantially increase the wage rates notified by the Centre, nor any plan to increase the number of days under the scheme.

Data shared by the Ministry from 2018 onwards showed that almost 54 per cent of workers under the scheme were women. Nearly 52.6 per cent of person days was generated by women in the current financial year. The large number of job cards issued each year

since 2018-19 was also a reflection of the crisis. There was a wide gap between the job cards issued and actual employment provided to households. For instance, in 2018-19, 1,334.63 lakh job cards were issued, but households that were provided employment numbered 526.60 lakh. In 2019-20, the corresponding figures were 1,407.24 lakh and 548.23 lakh; in 2021-22, 1532.99 lakh job cards were issued but only 755.32 lakh households were provided employment. In 2021-22, until November 2021, 1,558.44 lakh job cards were issued but less than 50 per cent, or 605.60 lakh households, were provided work.

The problem in muster roll updation, resulting in delayed payment of wages, was attributed to lack of Internet facilities at the gram panchayat level. About 1.25 lakh grama panchayats had Bharat Net, but as Internet networks were not available, muster rolls could not be filled out or updated. The Ministry had communicated to the States that if social audits were found wanting, money would not be released. The social audits identify financial misappropriation, financial deviation, grievances and process violations. For 2020-21, the government claimed it had made the highest ever allocation for a financial year under the scheme.

WIDE DISPARITY IN WAGE RATES

The committee was critical of the wide disparity in daily wages across States. It ranged from “as low as” Rs.193 in Chhattisgarh and Madhya Pradesh and Rs.198 in Bihar and Jharkhand to Rs.318 in three gram panchayats in Sikkim. The majority of the States were found to be paying less than Rs.250. The committee expressed concern at the high cost of living, inflation and price rise of essential commodities and that the scheme beneficiaries, all belonging to marginalised sections, were surviving on “such amounts”. If wages, it reasoned, were of such nominal nature, people would be forced to move to urban locales. That the wages were a non-incentive was evident from the fact that of 521.61 lakh households that were provided employment in 2018-19, only 52.58 lakh households completed 100 days of employment. In 2021-22, until August 31, 2021, of 537.78 lakh households that were provided employment only 7.76 lakh households completed 100 days of employment. This figure, it said, was “even more poor” than that of previous years.

The committee observed that low wages were one of the major reasons why people opted out of the scheme. It lamented that despite the commit-

tee’s repeated recommendation to index the wages with the cost of living, little had been done. A proposal to have a Consumer Price Index (Rural) instead of the present Consumer Price Index (Agricultural Labour) had not been considered. It noted that the wage rates would continue to languish due to no change in indexation. It has also recommended a uniform wage rate to be fixed by the nodal agency given the wide range of wage rates. Wage rates fluctuating from Rs.193 to Rs.318 across States and Union Territories in “no way seem justified”. Bridging the disparity and bringing wages at par would “not only end the conundrum of uncertainty among beneficiaries but serve the larger purpose of welfare of MGNREGA workers”.

The scheme was a last “fall back” option for numerous poor people. It is “high time” that the scheme was revamped in view of the “changing times” and the pandemic. It recommended that the number of days needed to be increased from 100 to 150 days. Describing the picture regarding payment of wages as very grim, it said that it was a “breach of trust of the goal of the scheme”. It expressed shock at the low rates paid in lieu of unemployment allowance paid by States and at the Ministries “passing the buck” approach.

The committee was concerned about the low rates of social audits and urged the Department to take up the matter in “all earnest”. It also suggested that social audits be placed in the public domain. It expressed concern at the non participation of officials from related departments in decisions relating to work commissioned under the scheme. The success of the projects depended on the choices made at the selection level, it noted: “Rather than stalling the project at later stages, discussion in the initial stage would go a long way in ensuring the success of the projects.” It pulled up the Ministry for its failure to appoint ombudsmen as mandated under the Act. Only 263 ombudsmen had been appointed so far against 715 possible appointments. No reason, it said, could be enough to “justify such callousness” for such a long period of time.

Most experts of repute have argued that the government needed to “put money in the hands of the

people” in order to generate demand. Given the nature of the crisis and sluggishness in recovery of economic activity, for quite some time any social scientists and others have been demanding enhancement of both rural and urban wages, increase in the number of days of employment, and initiation of an urban employment guarantee scheme.

The committee has rightly argued for enhancing the expenditure for the scheme from the present allocation. For the rural poor, the crisis is immediate and not a prospective one. The increasing allocation since the inception of the Act indicates that rural unemployment levels continue to be high: people are willing to do hard manual work for even low wages. The report underscores all these concerns. Though its recommendations are not binding on the government, it is nevertheless a document that needs to be taken up seriously especially as it is attuned to present day realities faced by the rural poor.

Frontline
11 March, 2022

www.frontline.in

മുങ്ങിത്താഴുന്ന ഫെഡറലിസവും ഉലയുന്ന കേന്ദ്ര സംസ്ഥാന ബന്ധങ്ങളും

സുരേഷ് വണ്ടന്നൂർ

ഇന്ത്യയിൽ കേന്ദ്ര-സംസ്ഥാന ബന്ധങ്ങളാണ് ഫെഡറലിസത്തിന്റെ കാതൽ. പൗരന്മാരുടെ ക്ഷേമത്തിനും സുരക്ഷയ്ക്കും വേണ്ടി കേന്ദ്ര, സംസ്ഥാന സർക്കാരുകൾ പരസ്പരം സഹകരിക്കുന്നു. ഭരണഘടനയുടെ അനുച്ഛേദം 246 പ്രകാരം കേന്ദ്രവും സംസ്ഥാനവും തമ്മിൽ പരിഗണിക്കേണ്ട വിഷയങ്ങൾ സംസ്ഥാന പട്ടിക, കേന്ദ്ര പട്ടിക, സമവർത്തി പട്ടിക എന്നിങ്ങനെ തരംതിരിച്ചിട്ടുണ്ട്. സംസ്ഥാന പട്ടികയിലുള്ള വിഷയങ്ങളിൽ സംസ്ഥാനങ്ങൾക്ക് നിയമ നിർമ്മാണം നടത്താം. കേന്ദ്ര പട്ടിക അഥവാ യൂണിയൻ പട്ടികയിൽ ഉൾപ്പെട്ട വിഷയങ്ങളിൽ മാത്രമാണ് കേന്ദ്രത്തിന് നിയമ നിർമ്മാണം നടത്താനാവുക. അതിലിടപെട്ട് വിഷയങ്ങളിൽ ഉത്തരവുകളിറക്കാൻ മൂന്നാം പട്ടിക അഥവാ കൺകറന്റ് ലിസ്റ്റിൽ പെടുന്ന വിഷയങ്ങളിൽ സംസ്ഥാനങ്ങൾക്കും കേന്ദ്രത്തിനും ഒരുപോലെ ഇടപെടുകയും നിയമനിർമ്മാണം നടത്തുകയും ചെയ്യാം.

സംസ്ഥാന പട്ടികയിലുൾപ്പെട്ട സഹകരണത്തിലും കൃഷിയിലും കേന്ദ്രം നിയമ നിർമ്മാണം നടത്തിയത് പലതരത്തിലുള്ള സമരങ്ങളിലേക്ക് വഴിതെളിച്ചത് ഏറ്റവും വലിയ ഉദാഹരണങ്ങളാണ്. കർഷക പ്രക്ഷോഭം രാജ്യ തലസ്ഥാനത്ത് ഒരു വർഷത്തിലേറെ

നീണ്ടുനിന്നു. ഒടുവിൽ കേന്ദ്രത്തിന് ആ നിയമങ്ങൾ പിൻവലിക്കേണ്ടി വന്നതും ചർച്ചയായി. ഇത്തരത്തിലുള്ള ലെജിസ്ലേറ്റീവ് കടന്നുകയറ്റങ്ങൾ ഫെഡറലിസത്തിന് വലിയ തോതിലുള്ള ഉലച്ചിൽ സൃഷ്ടിക്കുന്നു.

പഞ്ചായത്തീരാജ് നിയമം നിലവിൽ വന്നപ്പോൾ പഞ്ചായത്തുകൾക്ക് സ്വാതന്ത്ര്യമായി അധികാരങ്ങൾ ഉപയോഗിക്കാൻ സാധിച്ചു. പഞ്ചായത്തീരാജ് നിയമം നിലവിൽ വന്നപ്പോൾ അധികാരം താഴെത്തട്ടുകളിലേക്ക് വീതിച്ചു നൽകപ്പെടുകയും അധികാര വികേന്ദ്രീകരണമെന്ന വിപ്ലവത്തിന് രാജ്യം സാക്ഷ്യം വഹിക്കുകയും ചെയ്തു.

ചർച്ച ചെയ്യാതെ പാസ്സാക്കുന്ന നിയമങ്ങൾ

1919-ലെ ഗവൺമെന്റ് ഓഫ് ഇന്ത്യ ആക്ടിൽ പ്രാദേശികമായ വിഷയങ്ങളിൽ അതത് ഭരണകർത്താക്കൾക്ക് കാര്യങ്ങൾ തീരുമാനിക്കാനുള്ള അധികാരം വ്യവസ്ഥ ചെയ്തിരുന്നു. ചില സംസ്ഥാനങ്ങൾക്ക് ഈ അവസരം ലഭിക്കുന്നില്ലെന്ന ആക്ഷേപം ഉയരുന്നുണ്ട്. ഈ വിഷയമാണ് സി.പി.എം. ഇരുപത്തിമൂന്നാം പാർട്ടി കോൺഗ്രസിൽ ചർച്ച ചെയ്തത്. ഇന്ന് പാർലമെന്റ് കാര്യമായ ചർച്ചകൾ നടത്താതെ നിയമങ്ങൾ പാസാക്കിയെടുക്കുന്നു. പൗരത്വഭേദഗതി നിയമം,

കാർഷിക നിയമം, ക്രിമിനൽ നടപടിക്രമം തുടങ്ങി ഒട്ടേറെ നിയമങ്ങൾ അപ്പം ചുട്ടെടുക്കുന്നതുപോലെ പാർലമെന്റ് പാസാക്കുന്ന സ്ഥിതിവിശേഷം ജനാധിപത്യ ഫെഡറൽ വ്യവസ്ഥിതികളുടെ മേലുള്ള കടന്നുകയറ്റമായാണ് വിലയിരുത്തപ്പെടുന്നത്.

സംസ്ഥാനങ്ങൾക്ക് കേന്ദ്രത്തോട് വിഷയങ്ങൾ അവതരിപ്പിക്കാനുള്ള വേദിയായിരുന്നു ആസൂത്രണക്കമ്മീഷൻ. അതിപ്പോൾ ഇല്ലാതാക്കി മറ്റൊരു സംവിധാനമായിരുന്നു ദേശീയ വികസന കൗൺസിൽ. സംസ്ഥാനങ്ങൾക്ക് അവരുടെ പരാധീനതകളും പരാതികളും അവിടെ സമർപ്പിച്ച് പരിഹാരം തേടാനാകുമായിരുന്നു. അതും നോക്കുകുത്തിയായി പല വിഷയങ്ങളിലും കേന്ദ്രത്തിന്റെ അടിയന്തര ശ്രദ്ധയും സഹായവും ലഭിക്കാതെ പ്രതിസന്ധി നേരിടുന്നുണ്ട് ഭൂരിപക്ഷം സംസ്ഥാനങ്ങളും. നിലവിലെ കേന്ദ്ര സർക്കാർ അധികാരത്തിൽ വന്നശേഷം ജി.എസ്.ടി. നിയമം കൊണ്ടുവന്നു. സംസ്ഥാനത്തിന് കിട്ടേണ്ട റവന്യൂ വിഹിതത്തിൽ അർഹിക്കുന്ന പ്രാതിനിധ്യം ലഭിക്കാതെ പോകുന്ന സാഹചര്യങ്ങളുമുണ്ട്. സംസ്ഥാനങ്ങൾക്ക് ജി.എസ്.ടി. വിഹിതത്തിൽ അർഹിക്കുന്ന പരിഗണന നൽകാൻ കേന്ദ്രം തയ്യാറാകുന്നില്ല. ദൈനംദിന ചെലവുകൾക്ക് ഉയർന്ന പലിശനിരക്കിൽ പണം കടം വാങ്ങേണ്ടി വരുമ്പോൾ സംസ്ഥാനങ്ങളെ വളർച്ചാ മുരടിപ്പിലേക്ക് വലിച്ചെറിയും.

ഗവർണർ നിയമനം

1983-ൽ കേന്ദ്ര സർക്കാർ രൂപീകരിച്ച ജസ്റ്റിസ് രഞ്ജിത് സിംഗ് സർക്കാരിയ അധ്യക്ഷനായ സർക്കാരിയ കമ്മീഷൻ

നൽകിയ നിർദ്ദേശം ഗവർണർമാരുടെ നിയമനം സംസ്ഥാന മുഖ്യമന്ത്രിയും ഇന്ത്യൻ ഉപരാഷ്ട്രപതിയും ലോക്സഭാ സ്പീക്കറും കൂടിയാലോചിച്ച് വേണം നടത്താനെന്നാണ്. പാർലമെന്റി സംവിധാനത്തിന്റെ ശരിയായ പ്രവർത്തനത്തിന് ഗവർണറും മുഖ്യമന്ത്രിയും തമ്മിൽ നല്ല അടുപ്പമുണ്ടായിരിക്കണം. എങ്കിലെ സംസ്ഥാനത്തെ ഭരണപരമായ കാര്യങ്ങൾ സുഗമമാകും.

ഗവർണർമാരെ നിയമിക്കുന്നതിന് സംസ്ഥാന സർക്കാരുകൾക്ക് പ്രാധാന്യം നൽകാനും സർക്കാരിയ കമ്മീഷൻ ശുപാർശ ചെയ്യുന്നു. നിർഭാഗ്യമെന്ന് പറയട്ടെ കേന്ദ്ര സർക്കാർ ഒരു കൂടിയാലോചനയ്ക്കും നിൽക്കാതെ രാഷ്ട്രീയമായിപ്പോലും അവരുടെ അടുപ്പക്കാരെ സംസ്ഥാനങ്ങളിലേക്ക് കെട്ടിയിറക്കുന്ന സ്ഥിതിവിശേഷമാണ്. ഇത്തരം വിഷയങ്ങളിൽ കാലോചിതമായ മാറ്റമുണ്ടായാലേ കേന്ദ്ര, സംസ്ഥാന ബന്ധങ്ങൾ ഉലയാതെ ഫെഡറൽ സംവിധാനത്തെ ഉയർത്തിപ്പിടിച്ച് മുന്നോട്ടുപോകാനാകും.

ഇന്ത്യൻ ഭരണഘടന ആർട്ടിക്കിൾ 263-ൽ ഒരു അന്തർ സംസ്ഥാന കൗൺസിൽ (ഐ.എസ്.സി-ഇന്റർ സ്റ്റേറ്റ് കൗൺസിൽ) സ്ഥാപിക്കാവുന്നതാണെന്ന് പറഞ്ഞിരുന്നു. ഒരു കൗൺസിൽ സ്ഥാപിക്കുന്നതിലൂടെ പൊതു താല്പര്യങ്ങൾ നിറവേറ്റപ്പെടുമെന്ന്

രാഷ്ട്രപതിക്ക് എപ്പോഴെങ്കിലും തോന്നിയാൽ അത് ചെയ്യാം. ഭരണഘടന ഐ.എസ്.സി. സ്ഥാപിച്ചില്ല. കാരണം ഭരണഘടന രൂപീകരിക്കുന്ന സമയത്ത് അതിന്റെ ആവശ്യം അനുപേക്ഷണീയമായിരുന്നില്ല. പക്ഷേ അതിന്റെ സ്ഥാപനത്തിനുള്ള ഓപ്ഷൻ തുറന്നിരുന്നു. ഈ ഓപ്ഷൻ 1990-ൽ പ്രയോഗിച്ചു. സർക്കാരിയ കമ്മീഷൻ ശുപാർശ പ്രകാരം രാഷ്ട്രപതിയുടെ ഉത്തരവിലൂടെ 1990 മെയ് 28-ന് ഐ.എസ്.സി. ഒരു സ്ഥിരം സ്ഥാപനമായി രൂപവത്കരിക്കപ്പെട്ടു.

കേന്ദ്ര, സംസ്ഥാന ബന്ധങ്ങൾ തമ്മിലെ നയങ്ങൾ, പൊതുതാല്പര്യ വിഷയങ്ങൾ, സംസ്ഥാനങ്ങൾ തമ്മിലുള്ള തർക്കങ്ങൾ എന്നിവ ചർച്ച ചെയ്യുകയോ അന്വേഷിക്കുകയോ ആണ് ഐ.എസ്.സി. യുടെ ലക്ഷ്യവും ഉത്തരവാദിത്വങ്ങളും. വീക്ഷണം, നിയമനിർമ്മാണബന്ധങ്ങൾ, ഭരണപരമായ ബന്ധങ്ങൾ, ഗവർണ്ണറുടെ പങ്ക്, രാഷ്ട്രപതിയുടെയും ഗവർണ്ണറുടെയും ഓർഡിനൻസ് പുറപ്പെടുവിക്കാനുള്ള അധികാരം, അടിയന്തര രാവസ്ഥാ വ്യവസ്ഥകൾ, സാമ്പത്തിക ബന്ധങ്ങൾ,

സാമ്പത്തിക-സാമൂഹിക ആസൂത്രണം, വ്യവസായങ്ങൾ, ഖനികളും ധാതുക്കളും, കൃഷി, വനങ്ങൾ, ഭക്ഷണവും സിവിൽ സപ്ലൈസും, അന്തർ സംസ്ഥാന നദീജല തർക്കങ്ങൾ, ഇന്ത്യൻ ടെറിട്ടറിയിലെ വ്യാപാരം, വാണിജ്യം, ബഹുജന മാധ്യമങ്ങൾ, മറ്റ് വിവിധ കാര്യങ്ങൾ ഉൾപ്പെടെ സമസ്ത മേഖലകളിലും കേന്ദ്ര സംസ്ഥാന സഹവർത്തിത്വം അനിവാര്യമാണ്.

കേന്ദ്ര, സംസ്ഥാന സർക്കാരുകൾ തമ്മിലുള്ള ഊഷ്മള ബന്ധത്തിലൂടെ മാത്രമെ പങ്കുവയ്ക്കലിന്റെ ഫെഡറൽ സംവിധാനത്തിന് എല്ലാ അർത്ഥത്തിലും ജീവൻ നിലനിർത്താനാവൂ. കപ്പും സോസറും പോലെ അത് ചേർന്നു നിൽക്കണം. വരുമാനം പങ്കുവയ്ക്കൽ പ്രക്രിയയിൽ കേന്ദ്ര സർക്കാരിന്റെ മെല്ലെ പോക്ക് നയം സംസ്ഥാനങ്ങളുടെ കഴുത്ത് തെരിക്കുന്നു. സംസ്ഥാനങ്ങളുടെ ആവശ്യങ്ങൾ കണ്ടറിഞ്ഞ് സഹായിക്കേണ്ട കടമ കേന്ദ്ര സർക്കാരിനുണ്ട്. അതിൽ രാഷ്ട്രീയം നോക്കരുത്.

23 ഏപ്രിൽ 2022
കേരള കൗമുദി



CASTEISM THREATENS CONSTITUTIONALISM

Kaleeswaram Raj

On June 2, 2022, Nitasha Tiku of *The Washington Post* reported that a talk by Thenmozhi Soundararajan to the Google News employees on caste equity and newsrooms was called off. Allegedly, the cancellation happened because a section of Google News employees with a soft corner for upper caste hegemony started to protest.

The report further states that Tanuja Gupta, an officer at the company who had invited Soundararajan for the talk, resigned in protest. This incident has ignited a discourse on the approach of global technological giants towards issues such as caste, race, and ethnicity. Whether the caste system in India finds a replica in the social media companies across the world is debatable. Discrimination, according to many, is not limited to territorial boundaries. Among tech workers, concerns have arisen on caste related disparities in the corporate world.

It is important to recognise that caste issues continue to be relevant. One of the biggest challenges that the makers of the Indian Constitution faced was the age-old caste system which, on the face of it, is antithetical to the tenets of a modern democracy. We are still confronted with this dangerous evil. Estimates say that about 3,000 castes and 25,000 sub castes exist in India.

Casteism in India is unique and pernicious. Dr. Ambedkar said, “The effect of caste on the ethics of the Hindus is simply deplorable. Caste has killed public spirit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible.” He added that casteism has “completely disorganised and demoralised the Hindus”.

The situation has not changed over the years. Gita Ramaswamy’s recent book *Land, Guns, Caste, Woman: The Memoir of a Lapsed Revolutionary* is autobiographical but tells us about the shocking exploitation of Dalits by the upper caste landlords in Ibrahimpatnam in Telangana and elsewhere. The bonded labour that prevails among the Dalits is an Indian brutality. In her book, Gita also explains the efforts to organise the Dalits and the challenges that they faced.

In many parts of India, social reformation simply meant fighting against casteism. Periyar in TamilNadu. Phule in Maharashtra, NarayanaGuru in Kerala, and many other saintly personalities across the country endeavoured to uplift the society from the clutches of casteism. It was not an easy task. Nor is it a task fulfilled.

The Constitution remains the most formidable political instrument against casteism. In the Constituent Assembly debates, H V Kamath endorsed the constitutional safeguards for Scheduled Castes and Scheduled Tribes. He, however, said that in the future, Parliament might, after noting the progress of the historically marginalised communities, examine whether “it would be in the best interests of the country to abolish totally the distinction called Scheduled Castes or Tribes and there will be one big unified Hindu Community”.

It was wishful thinking. Even the constitutional safeguards did not work. Articles 341 and 342 empowered the President to enlist the Scheduled Castes and Scheduled Tribes. By way of special provisions like Articles 15 and 16, caste-based discrimination was sought to be replaced by protective and uplifting state action. Article 17 banned the practice of untouchability. The Protection of Civil Rights Act, 1955 penalised untouchability. Other atrocities against the Dalits were made punishable by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was amended subsequently. The so called honour killings illustrated the false pride of the upper castes in India. Laws did not abolish the caste system.

Class discrimination is not limited to just territorial boundaries. Nor is it merely a primitive rural phenomenon. It very much prevails in modern economic and societal life in varied ways. Ashwini Deshpande explains this reality in her book, *The Grammar of Caste* (Oxford University Press, 2011). Suraj Yengde, a postdoctoral fellow at Harvard Kennedy School, in his seminal work, *Caste Matters* (2019) states: “Despite the academic and professional credentials that I had carefully honed, I was still treated like an uneducated labourer from my area vulnerable and unprotected.”

In a globalised world, casteism too has transcended national boundaries. It is an Indian form of apartheid with an age old scheme for systemic exploitation. Suraj Yengde has noted that more than half of the households in India “admitted to practising or witnessing untouchability in urban capitals such as Delhi”. Many Indians are now scattered across the world, in almost all the major cities. Therefore, caste prejudices too have been globalised. There is no point in denying the truth.

A general perception that the scale of justice is better in the contemporary world is widely shared. Thomas Piketty, in his work *A Brief History of Equality* (2022) says that “between 1780 and 2020, we see developments

tending toward greater equality of status, property, income, genders and races within most regions and societies on the planet”.

Caste in India, however; is different from race or ethnicity elsewhere. It is the oldest means of exploitation based on a person’s birth, over which one does not have any control. No wonder caste escapes the executive and legislative measures which other nations take against discrimination. When racial or gender based discrimination is met with stringent laws, the question of caste is either forgotten or unaddressed.

In 2018, the UK resolved to’ avoid a legislation against caste- based discrimination. Many Indians there believe that such a legislation is unnecessary as caste does not exist as a divisive force or means of exploitation there. This is far from reality. Indians have exported the prejudices of casteism abroad and the oppressed castes across the world need legal protection against this menace. Therefore, Thenmozhi’s activism becomes significant. It has a constitutional message for the Indians here and abroad.

11 June 2022
New Indian Express

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A CASE OF THE COURT STRAYING INTO THE LEGISLATIVE

SPHERE

R. K. Vij

The Allahabad High Court's directions in the context of marital discord, though noble in intent seem to be flawed

Recently, the Allahabad High Court, while allowing two criminal revisions pertaining to a dowry case, took cognisance of the misuse of Section 498A of the Indian Penal Code (IPC), proposed certain safeguards and directed the State authorities of Uttar Pradesh to take the necessary steps for their implementation in a given time period. The High Court expressed its concern over the growing tendency of dowry victims to rope in the husband and all his family members using general and sweeping allegations.

The directions, inter alia, include constitution of a family welfare committee in each district under the District Legal Services Authority (DLSA), handing over the first information report to such a committee immediately after its registration, and no arrest to be made by the police during this “cooling period” of two months. As far as the High Court judgment reads, there were no allegations against the police that had dropped charges against

two persons for lack of evidence and charge sheeted only the husband and his parents based on available evidence.

Strangely enough, the High Court specifically mentioned in its judgment of taking guidance from the judgment of Supreme Court of India in *Social Action Forum for Manav Adhikar vs Union of India* (2018), a case in which the Supreme court overturned the judgment of its two-judge Bench and held constitution of similar committees and an embargo on arrest by the police for one month till the submission of report by the family welfare committee, impermissible under the scheme of the Code of Criminal Procedure (CrPC) (*Rajesh Sharma vs The State of U.P. 2017*). Both Court judgments also dealt with the growing misuse of dowry provisions.

Committee's role

Except for the minor difference in the composition of the family welfare committees (such as inclusion of a young mediator or an advocate or a senior law

student) as directed by the High Court, the primary role of such committees remains the same, i.e., settling the matrimonial dispute between the two parties. Whereas, in the Rajesh Sharma (supra) case, directions did not apply to the offences involving tangible physical injuries, the High Court's directions shall apply the cases involving Section 498A IPC, along with no injury section 307 (attempt to murder) and other sections in the IPC in which the imprisonment is less than 10 years. In other words, if a woman's bone is fractured or permanent privation is caused to any eye or ear or a joint by husband during the course of matrimonial fight, the police shall not effect arrest, as the maximum imprisonment prescribed in such cases as collecting the injury report and recording periferal investigation such as collecting the injury report and recording the statements of witnesses, whose worth is unsure in further proceedings. The judgment is also silent about the role of the police if a repeat offence is committed during such a 'cooling period' of two months, which was only one month in the overruled Rajesh Sharma(supra) case.

The most question (without going into the nuances) is whether the High Court was well within its jurisdiction to issue such directions when the scheme of investigation under the CrPC was cleary laid down and there was no ambiguity about or gaps in the law on arrest, inviting such a fresh interpretation.

In Vishaka vs State of Rajastan,(1997), the Supreme Court issued directions to enforce fundamental rights in the absence of law in certain cases of sexual harassment at the workplace. However, in the case of Social Action Forum for Manav Adhikar (supra), the Court held that a third agency (i.e., the family welfare committee) had nothing to do with the CrPC, and more so in stalling arrest till a report is submitted by the committee, The directions to settle a case after it is registered is not a correct expression of law, the top court held.

It cannot be reputed that the directions issued by the High Court were inspired with noble intentions to curb the tendency of reporting cases with exaggerations and sweeping allegations in the heat of matrimonial discord. But these directions potentially fall in the sphere of legislature. The constitutionality of dowry provision has already been established. Also, the misuse of Section 498A IPC by itself cannot be ground to dilute it and issue directions which do not flow from any provision of the code. Moreover, these directions might curtail the rights of a genuine victim of dowry harassment.

Possible solutions

However, in order to check false cases of dowry and avoidable in carcerations, two solutions seem plausible. First, the police must strictly enforce the Supreme Court's directions issued in *Arnesh Kumar vs State of Bihar*

(2014) and ensure that there is sufficient reason and credible material against the accused person to necessitate arrest. The investigating officers must be imparted rigorous training with regard to the principles stated by the court relating to arrest. At the same time, wrong doers need to be punished departmentally.

Second, the legislature may deliberate upon and make Section 498A IPC bailable, Similarly, though the High Court (using its inherent powers under section 482 CrPC) can quash a criminal proceeding which is not compoundable (after a settlement is reached between the opposing parties), the legislature can amend and make the offence under section 498A IPC compoundable so that

a compromise could be arrived at with or without the permission of the competent court. This will not only save cost to the parties in dispute but also the High Court's valuable time. Similarly, once the Mediation Bill, 2021 is enacted, the institutional mediation mechanism may also help in settling the matrimonial dispute through the civil route.

Till the time any such amendment is made or law is enacted, the law of the land needs to be enforced strictly by both the police and the courts, without any dilution, any such direction which do not emanate from the provisions of law, are likely to be struck down by the Supreme Court again.

*(R. K. Viji is a former Special Director General of Police of Chattisgarh.
The Views expressed are personal)*

**The Hindu
21 June 2022**

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THE FAULTS IN INDIA'S LAW MAKING PROCESS

Chakshu Roy

Halfway through its five-year term, the current Lok Sabha has passed more than 100 laws. To put that number in context, its predecessor, the 16th Lok Sabha, had during its entire term passed 133 laws, which itself was 15% more than the number passed by the 15th Lok Sabha. While this scorching legislative pace has been hailed by the union government as a sign of firm action, favouring speed over process affects the quality of the laws that are inserted into the statute books and dilutes their impact on the ground.

Laws can be powerful instruments of change. But badly made ones do not work as intended and well-intentioned ones are ineffective. A law once made often stays on the statute books for a long time since changing a law takes time and effort, even when the legislation is ineffective or counterproductive. There fore each law passed by Parliament should be as free from defects as possible.

Three examples illustrate this problem of union government legislation.

The 1979 Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act for the welfare of migrant labour has been a failure, most recently evidenced by images of migrant labourers trying to get back to their homes at the onset of the Covid-19 pandemic in 2020.

It took two decades for the union government to pass a more stringent law than the ineffective 1993 act to end manual cleaning of human excreta from insanitary latrines and sewers; even after repeatedly being prodded by petitions and by the Supreme Court.

In 2012, the union government amended the income tax law, with retrospective effect, to tax profits made when assets located in India changed hands abroad through a transfer of shares of a foreign company. Tax authorities subsequently demanded thousands of crores in unpaid tax from Vodafone and Cairn, two companies that had completed such transactions before 2012. Both firms took the government to international arbitration and won. (Cairn even moved foreign courts to seize Indian sovereign assets abroad to enforce the award.)

In last year's Monsoon Session, the government finally rolled back the 2012 enactment.

We have not had an iron-clad law-making process. What exists by way of a process is either bent [...] or bypassed. The problem with poorly drafted laws was summed up last year by the chief justice of India, N.V. Ramana: "We see legislations with a lot of gaps, lot of ambiguities in making laws. There is no clarity in [the] laws. We don't know what [is]

the purpose of the laws, which is creating [a] lot of litigation, inconvenient, and loss to the government as well as inconvenience to the public.”

Strengthening procedures

For the last 70 years, we have not had an iron-clad law-making process. What exists by way of a process is either bent to accommodate the government’s need for urgency or bypassed with political consensus. What we need is a robust law-making process in which three broad principles make up the foundation:

1. Before bringing a bill to Parliament, the government should consult all stakeholders. It should put a draft out for public comments and use these inputs for strengthening its proposal.
2. Every government bill that reaches the legislature should go through detailed scrutiny by a parliamentary subject committee. Only after that examination should legislators discuss and pass the bill.
3. After Parliament has approved a law, it should periodically assess its functioning. Such an evaluation would inform the legislature whether the law was working or required changes.

The first principle is exclusively in the hands of the government. The second is supposed to be the domain of the legislature, but the executive controls the legislative agenda and often pushes through laws. The third principle is not institutionalised and is split between the executive, legislature, and other constitutional bodies.

Consultations

In 2014, the central government formulated a pre-legislative consultation policy that ministries were expected to follow before submitting a legislative proposal to the union cabinet for approval. The policy specifies that a draft bill be placed in the public domain for 30 days for comments. The justification for its enactment, financial implications, and estimation of its impact should accompany the draft. The policy also prescribes that the ministry publishes the comments received on the draft on its website.

The purpose behind this process is to push ministries to use public feedback and consultations to address stakeholder concerns and build a consensus before they bring a bill to Parliament for enactment. This would facilitate a smoother legislative journey and a stronger piece of legislation.

But the catch is that unlike in some other countries this pre-legislative consultation process is not binding on the ministries. As a result, the majority of legislative proposals bought before Parliament do not go through a consultative process. Researchers have pointed out that since pre-legislative consultation policy was introduced, “227 of the 301 bills introduced in Parliament have been presented without any prior consultation. Of the 74 placed in public domain for comment, at least 40 did not adhere to the 30-day deadline.” Indeed, it was a welcome aberration when the labour ministry published a draft of the Social Security Code on its website and revised it based on comments and consultations with stakeholders before introducing the bill in Parliament.

Scrutiny

In practice, bills goes through varying levels of scrutiny in legislature. When a bill is introduced in a house of Parliament the presiding officer can refer it to the appropriate parliamentary committee which oversees the ministry piloting the bill. Very often though, the minister introducing the bill impresses upon the presiding officer to not refer it to committee. This could be contentious, as when in 2020 the three farm bills were not referred to a committee, leading to acrimonious scenes in Parliament and the disruption of sittings.

MPs are not experts in every subject that comes up for debate. Mandatory scrutiny of proposed legislation by parliamentary committees is one way to solve this problem.

In 1993, when Parliament set up its departmentally related standing committees, Vice-President K.R. Narayanan maintained that “the main purpose, of course, is to ensure the accountability of Government to Parliament through more detailed consideration of measures in these committees. The purpose is not to weaken or criticize the administration but to strengthen it by investing in with more meaningful parliamentary support.” This is questioned by the executive, which sometimes views referring bills to committees as a ploy to delay its legislative agenda.

Examination by parliamentary committee is a way to solve a fundamental weakness in the way legislative work is conducted: that MPs are not experts in every subject area that comes up for debate. Mandatory scrutiny of proposed legislation by parliamentary committees is one way to solve this problem. For instance, South Africa’s constitution requires pre-legislative scrutiny for certain kinds of laws. In England, the government issues consultation papers before publishing a draft bill. (Another solution is to let MPs hire research

staff who can bring them up to speed on complex issues. In India, however, MPs do not have a budget for hiring a team of researchers.)

The rules of parliamentary functioning do not mandate a technical scrutiny of bills by a parliamentary committee. In the last Lok Sabha (2014-2019), only 25% of the bills introduced were referred to committees, far fewer than the 71% and 60% examined by committees during 2009-2014 and 2004-2009, respectively.

Here are some examples of Constitution amendment bills from the last Lok Sabha that have had completely different trajectories. The first is the 2017 Goods and Services Tax amendment. A committee of Rajya Sabha MPs scrutinised the bill. In addition to hearing expert testimony, the committee also travelled across the country to gather public feedback about the bill. It was then extensively debated in both houses before being passed. The entire exercise took about 18 months.

When laws are passed by simply debating them on the floor of the house, then it indicates that Parliament is shrinking from its responsibility of closely scrutinising the legislation before approving them.

In contrast, in 2019, it took just two days for the government to get Parliament to pass a constitutional amendment to enable 10% reservation in education and employment for economically weaker sections. Neither did the minister ask for the introduced bill to be examined by a parliamentary committee nor did the presiding officers of either house send it for scrutiny. The Lok Sabha passed it the same day that the government introduced it and the Rajya Sabha the very next day.

Similarly, while Parliament took five years to examine a bill to regulate surrogacy before passing it in the 2021 Winter Session, it took less than two hours in the same session to amend election laws to allow electoral roll data to be linked to Aadhaar. Every bill has technical nuances and should be carefully looked at by a parliamentary committee, more so if an amendment of the Constitution is involved. When laws are passed by simply debating them on the floor of the house, then it indicates that Parliament is shrinking from its responsibility of closely scrutinising the legislation before approving them.

In the 2021 Winter Session, though, things looked up a little bit, when Parliament referred six bills to committee. These include a proposal for increasing the age of legal marriage for women to 21 from 18, an

amendment to the country's biological diversity law, and one that deals with mediation. The committee process will allow MPs to hear testimony from experts, and stakeholders will get an opportunity to get their voices heard on legislation that the government champions.

Evaluation

This brings us to the last principle of making robust laws: the need for regular evaluation after Parliament has passed bills. Is the law functioning as intended, does its framework have gaps, or has it created unintended problems?

In India, no one institution routinely looks at how legislation works on the ground. Usually, the concerned ministry appoints an expert committee to evaluate the entire or specific parts of a law.

Most developed countries have specialised mechanisms for reviewing laws. Australia and Canada have so-called sunset clauses in some legislation that bring a law to an end after a set number of years. This ensures a review if the government decides to push for enacting the legislation again. Some countries in Europe have review mechanisms baked into the law, that have to be done at regular intervals and in a specified manner.

In India, no one institution routinely looks at how legislation works on the ground. Usually, the concerned ministry appoints an expert committee to evaluate the entire or specific parts of a law. For example, the Insolvency and Bankruptcy Code has been regularly looked at by a committee appointed by the government. Their recommendations have led to amendments to the law.

Parliamentary committees sometimes undertake post-legislative scrutiny, but this examination is episodic. The Comptroller and Auditor General (CAG) occasionally conducts performance audits. For example, it initiated a performance audit of the implementation of the Food Security Act of 2013. It assessed the preparedness of different states on parameters like identification of beneficiaries, computerisation of operations, creating sufficient and scientific storage capacity and doorstep delivery of foodgrains to the fair price shops by the states.

“Our legislative enactments betray clear marks of hasty drafting and absence of Parliament scrutiny from the point of view of both the implementers and the affected persons and groups.

“However, the volume of work that the CAG handles does not allow it to audit the working of every law. In the last decade, the institution audited fewer than five non-financial laws.

Another level of scrutiny is provided by the Law Commission of India, a body constituted by the government for three years with specific terms of reference. A former judge of the Supreme Court usually heads the commission, it also has academic and other experts as members. Their scrutiny is more focused on the legal aspects of laws. In the past, these commissions have reviewed the functioning of laws and made recommendations for making them more effective. The government uses its reports for amending existing legislation or proposing new ones. But the Law Commission is currently not functional. The government has not appointed a new chairman and members, after the last commission's term ended in 2018.

An end to hasty laws

Twenty years ago, the National Commission to Review the Working of the Constitution, observed that “our legislative enactments betray clear marks of hasty drafting and absence of Parliament scrutiny from the point of view of both the implementers and the affected persons and groups.” What the commission said then is true even now. Both government and Parliament should introspect about our law-making process. Strengthening parliamentary scrutiny of legislation will require more resources at the hands of the MPs, for staff to assist them in studying proposed legislation, and a change in the legislative procedure that would make it mandatory for parliamentary committees to examine the bills.

**The India Forum
28 January 2022**

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**DRAFT RULES PROVIDING FOR SUSPENSION AND
CANCELLATION OF DRUG IMPORT LICENSE
NOTIFIED**

Shashank Srivastava

The Ministry of Health and Family Welfare notified draft amendments to the Medical Devices Rules, 2017. These amendments have been notified under the provisions of the Drugs and Cosmetics Act, 1940. The 1940 Act regulates the import, manufacture, distribution, and sale of drugs and cosmetics. The 2017 Rules provide for the grant of license to import medical devices. The draft Rules seek to provide for suspension and cancellation of these licenses by the Central Licensing Authority, that is, the Drug Controller General of India (DCGI). Key features of the draft rules are:

Suspension or cancellation of license:

As per the draft Rules, the DCGI may cancel or suspend a license to import medical devices. The suspension may also be with respect to a specific part of the concerned medical device. Further, DCGI may also direct the licensee to: (i) stop the import, sale, or distribution of the concerned medical device, and (ii) thereafter, order the destruction of the medical device and its stock.

Appeal:

An appeal against the order of the DCGI can be made to the central government. This appeal must be made within thirty days of the date of the order.

**PRS Legislative Research,
January 2022.**

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CONTINUATION OF RASHTRIYA GRAM SWARAJ ABHIYAN APPROVED

Shashank Srivastava

The Cabinet Committee on Economic Affairs (CCEA) approved the continuation of the revamped centrally sponsored Scheme of Rashtriya Gram Swaraj Abhiyan (RGSA) during 2022-26. RGSA aims to strengthen Panchayati Raj Institutions (PRIs) for achieving Sustainable Development Goals (SDG). The scheme will be applicable to all states and UTs.

The revamped scheme aims to enhance the capacities of elected representatives of PRIs to deliver on SDGs at a local level (such as poverty free villages, healthy village, child friendly village). It also aims to: (i) converge capacity building initiatives of other Ministries, (ii) provide evidence-

based studies for PRIs, and (iii) undertake activities related awareness generation and dissemination of government policies. No permanent posts will be created under the Scheme.

However, need based contractual human resources may be provisioned for overseeing the implementation of the scheme. The revamped scheme will comprise of central and state components (funding pattern will be in the ratio of 60:40 among centre and state respectively). The estimated cost for the scheme for 2022-26 is estimated to be Rs 5,911 crore. Central share will be Rs. 3,700 crore, while the state share will be Rs 2,211 crore.

**PRS Legislative Research,
April, 2022.**

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CRITERIA FOR ALLOCATION OF FUNDS FOR DEVELOPMENT OF STATE ROADS AMENDED

Rajat Asthana

The Ministry of Road Transport and Highways amended the criteria for allocation of funds for development of state roads under the Central Road and Infrastructure Fund Act, 2000. The 2000 Act establishes the Central Road and Infrastructure Fund, which may be utilised for development and maintenance of National Highways, state roads, rural roads, and other infrastructure. “Under the Act, a committee headed by the Finance Minister formulates the criteria for allocation of funds for development and maintenance of state road projects.”

The criteria for fund allocations include: (i) roads which might be declared as new National Highways, (ii)

inter-state roads and roads which are economically important, and (iii) roads connecting National Highways with particular focus on safety and traffic decongestion.

The amendments introduce additional criteria for fund allocation to states, which include: (i) connectivity of airports, pilgrim and tourist centres, monuments and heritage places, (ii) wayside amenities (rest areas, food courts), and road side utility ducts beside National Highways (for optical fibre cable), and (iii) PM GatiShakti framework for identification, sanction, and implementation of projects.

**PRS Legislative Research,
April, 2022.**

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SUPREME COURT SAYS GST COUNCIL RECOMMENDATIONS NOT BINDING ON CENTRE AND STATE

Rakshita Goyal (rakshita@prsindia.org)

The Supreme Court clarified that the recommendations of the GST Council are not binding on Parliament and state legislatures. The Supreme Court was hearing an appeal against an order by the Gujarat High Court. In 2020, the High Court had ruled against the levy of Integrated Goods and Services Tax (IGST) on Indian importers on the ocean freight paid by the foreign seller to a foreign shipping line. This tax was levied on a reverse charge basis (the recipient of goods or services becomes liable to pay the tax, instead of the producer). On the contention of the central government that recommendations of the GST Council are binding on the legislature and executive, the Supreme Court noted that the GST Council can only make

recommendations. According to the Court, the constitutional provision related to the GST Council does not suggest that these recommendations are binding. Parliament and state legislatures have ‘simultaneous power’ to legislate on GST. Hence making the recommendations binding would go against the idea of fiscal federalism.

With regards to the levy of IGST, the Supreme Court ruled that an Indian importer is liable to pay IGST on the composite (joint) supply of goods and transportation services. However the Court said that a separate levy on the provision of transportation services is violative of the Central Goods and Services Tax Act, 2017.

**PRS Legislative Research,
May, 2022.**

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**CABINET APPROVES CHANGES IN THE PROCESS FOR
DISINVESTMENT AND CLOSURE OF SUBSIDIARIES
OF PUBLIC SECTOR ENTERPRISES**

Tushar Chakrabarty

The Union Cabinet approved changes in the process for disinvestment and closure of subsidiaries and joint ventures of central public sector enterprises (CPSEs). The board of directors of CPSEs have been empowered to recommend and undertake these activities. Earlier, boards did not have powers to do so and required Cabinet's approval except in case of minority stake sales by Maharatna CPSEs.

Under the new mechanism, a Group of Ministers will accord in-principle approval and review the disinvestment process. The group comprises the Finance Minister, the

Road Transport and Highways minister, and the Minister of the department with administrative control of the respective CPSE.¹² In-principle approval will not be required for minority stake sale in subsidiaries by Maharatna CPSEs.

Strategic disinvestment or closure of units undertaken by CPSEs has to be based on competitive bidding. The guidelines for strategic disinvestment will be specified by the Department of Investment and Public Asset Management, while the guidelines for closure will be specified by the Department of Public Enterprises.

**PRS Legislative Research,
May 2022.**

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SUPREME COURT SUSPENDS IMPLEMENTATION OF SEDITION LAW

Shubham Dutt

The Supreme Court suspended the enforcement of the law on sedition as contained in the Indian Penal Code, 1860 (IPC). The court was hearing a batch of petitions challenging the constitutionality of section 124A of the IPC, relating to the offence of sedition. The central government informed the Court that it is re-examining this provision. In this light, the Court decided to discontinue the

usage of this provision till its re-examination is complete.

In particular, the Court: (i) restrained the central and state governments from filing new cases or continuing investigations relating to the offence of sedition, and (ii) suspended all pending trials, appeals and proceedings relating to sedition. It also permitted parties against whom a fresh case is registered for the offence of sedition, to approach the courts for relief.

**PRS Legislative Research,
May, 2022**

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COUNTERING THE TOTALITARIAN STATE

Vikhar Ahmed Sayeed

Interview with Arvind Narrain, writer and lawyer

ARVIND NARRAIN, a Bengaluru-based lawyer and writer, is the author of *India's Undeclared Emergency: Constitutionalism and the Politics of Resistance*. He is visiting faculty at the School of Policy and Governance, Azim Premji University. He has co-edited *Law Like Love: Queer Perspectives on Law* (2011) and co-authored *Breathing Life into the Constitution: Human Rights Lawyering in India* (2016) and *The Preamble: A Brief Introduction* (2020). He is currently pursuing a PhD at the National Law School of India University, Bengaluru, the topic for which is the legal and political thought of B.R. Ambedkar. He was part of a team of lawyers that challenged Section 377 (criminalising homosexuality) of the Indian Penal Code right from the Delhi High Court in 2009 up to the Supreme Court in 2018.

In his latest book, Narrain argues that India is in the midst of an 'undeclared Emergency', which has incrementally been implemented since Narendra Modi became the Prime Minister in 2014. Narrain looks at a wide variety of historical and contemporary sources to establish his argument. In a wide-ranging interview

with Frontline, Narrain discusses several issues that emerge from his book. Excerpts:

In your book you make the forceful point that what India has been witnessing since 2014 is an 'undeclared Emergency'. You say Narendra Modi's regime has "inaugurated a new kind of state". What distinguishes this 'undeclared Emergency' from the Emergency between 1975 and 1977 declared by Indira Gandhi?

The declaration of Emergency on June 25, 1975, resulted in the suspension of fundamental rights, including the right to freedom of speech and expression and the right to move courts for the enforcement of fundamental rights. Essentially, the rule of law was suspended and the judiciary in effect gave the state *carte blanche* for an executive rule unfettered by the Constitution. The Emergency posed the most serious threat to the Indian democratic project. While rights violations continued even post the Emergency, they never approached the scale, gravity and systematic nature of the kind during the Emergency, that is, until Narendra Modi's ascendancy.

The PUCL [People's Union for Civil Liberties] said in a press statement in 2018 that Modi's regime had led to a completely new order of rights violation which it called an 'undeclared emergency' where the rights of citizens were 'being snatched away under the guise of "Patriotism and cultural nationality"' Today freedom of speech and expression is under assault, with critics of the government facing the sombre reality of long years in prison.

During the Emergency, while the law of choice to curtail dissent was the Maintenance of Internal Security Act [MISA], today it is the UAPA [Unlawful Activities (Prevention) Act] Emblematic of the use of the UAPA is the arrest of the BK-16 [16 human rights activists arrested in the Bhima Koregaon case] and thousands of others around the country for what are at best 'speech offences', ie, speech which should be constitutionally protected but which the government decides to prosecute using the criminal law.

The Emergency era is also invoked because the subtle mood which envelops the nation now, as it did then, is one of fear of expressing one's opinion and of arrest as a consequence. During the Emergency era, it was the local police in each State or the Central Bureau of

Investigation [CBI] which often arrested persons after the proverbial midnight knock on the door. The police emerged as the symbol of the Emergency Under Modi's rule, although the police continue to be an instrument of the regime, the National Investigation Agency [NIA], which functions under the direct control of the Home Ministry, has emerged as the main instrument of the government to investigate UAPA offences. Many NIA-accused never come out on bail and their trial is never conducted with a sense of urgency. Such long periods of unjust incarceration are enough to perpetuate a climate of fear.

What tips rights violations into an 'undeclared emergency' is the abysmal failure of all institutions of accountability, be it the media, civil society and judiciary to ensure that the government functions within the four corners of the Constitution. Of especial concern is the fact that the judiciary stands mute in the face of constitutional violations. The court has failed to hear and decide matters of undeniable constitutional importance. It has so far failed to decide on pressing issues such as the abrogation of Article 370, the constitutionality of the CAA [Citizenship Amendment Act] and the case on electoral bonds.

‘TOTALITARIAN AMBITIONS’

You write: “It is undoubtedly true that the Modi regime has all the hallmarks of an authoritarian regime founded on the absolute power of the Leader around whom a personality cult has been manufactured. However, Modi’s reign goes beyond these and is a regime with clear totalitarian ambitions.” Why do you characterise the BJP under Modi as a regime with “totalitarian ambitions”?

The totalitarian ambition goes beyond power for its own sake, to a desire to control the lives of people, including the God they choose to worship, who they choose to love and what they choose to eat. If we see the range of new laws introduced in BJP States around conversion, ‘love jihad’, cattle slaughter, you get a sense of the totalitarian ambitions.

I also draw from the political scientist Juan J. Linz’s description of totalitarianism as a ‘regime form for completely organising political life and society’. In Linz’s analysis, the ambitions of a totalitarian government are far wider and its abilities far deeper than those of an authoritarian one.

A totalitarian rule goes beyond retaining total control over the state to trying to ‘politicise the masses’ and shaping individuals in accordance with its ideology. It draws its strength and

support not just from its control over the levers of the state but also from organisational fronts which work at the societal level, aiming to transform society in terms of its ideology.

With the rise of Hindutva, India today seems to fit Linz’s description. The rule of Modi is buttressed by vigilante forces rooted in Hindutva ideology, The mob is a serious actor on the Indian political stage and the common sense of the people is sought to be altered in line with Hindutva thinking. Another important dimension of totalitarian rule is its ‘popularity’ with the installation of the ‘people’ as a collective tyrant spread across the length and breadth of the land, We have to understand the totalitarian ambition of the current regime as that is what marks it as different from all previous regimes.

You have continuously relied on Hannah Arendt whose work provides a perceptive framework for understanding the German Nazi regime of Adolf Hitler. Why is the work of this political philosopher crucial in understanding the changes that India is undergoing since 2014?

Hannah Arendt, a German Jewish philosopher, narrowly escaped the Nazi persecution of Jews in Germany and was exiled to the United States. Her

work philosophises on what she was to call ‘radical evil’ or ‘totalitarianism’. I have gone to her book *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963) as well as *Men in Dark Times* (1970) for her insights on the Nazi regime and resistance to the same. However, her book of greatest impart and which bears repeated reading in today’s [Indian] context is *The Origins of Totalitarianism* (1951), which, as critics have pointed out, has more insights in its footnotes than entire volumes on the Nazi regime. I have gone to Arendt for her insights on the role of the mob in politics, the nature of totalitarianism as well as ways in which human beings resist the impulse of totalitarianism.

In the world we live in today, where politics is based on majoritarianism and often speaks the genocidal language of elimination of minorities, undoubtedly her work is absolutely critical to understanding the contemporary moment.

ROLE OF THE JUDICIARY

In a constitutional democracy, the power of the political executive is kept in check partially by an independent judiciary (along with the political opposition, the media and civil society), but you provide several examples of how the Supreme Court has failed to

safeguard the Constitution. This is a rather serious criticism of the apex court and, as you point out, there is an “easy complicity between the executive and the judiciary”. How has the judiciary, which is deemed to be an independent component of a constitutionally democratic state, succumbed to the political executive and Legislature?

For understanding the role of the judiciary in the contemporary context, I have cited consummate insiders, namely retired judges who have given voice to the increasing sense of disquiet felt by legal scholars, lawyers and ordinary citizens. The Supreme Court has abdicated its constitutional responsibility by failing to hear and decide key matters such as the abrogation of Article 370 and the constitutionality of CAA.

After detailing the list of failures which Justice Gopal Gowda scathingly referred to as a ‘supreme failure’, I look to how the spirit of constitutionalism can be nurtured. The role of some of the High Courts during the pandemic was exemplary. We also need to draw sustenance from our constitutional tradition, with the courageous dissent by Justice H.R. Khanna in *ADM Jabalpur* embodying the best of our constitutional tradition.

I also go to the work of a German Jewish labour lawyer, Ernst Frankel, who argues that Nazi Germany was a dual state composed of what he calls the 'normative state' which is bounded by rule of law and the 'prerogative state' which is nothing but 'institutionalised lawlessness'. In his analysis, Nazi Germany until the end functioned as a 'dual state'. If India too is a 'dual state', then our challenge is how to expand the reach of the 'normative state' and limit the power of the 'prerogative state'. It is in this context that we should go back to our founding constitutional values and work to expand the acceptance of the same in this difficult moment.

While the Hindutva project's ambition of refashioning India's society and culture in line with its majoritarian vision is clear, you also discuss the less obvious linkages between capitalism and Hindutva's far right ideology. Can you explain this connection?

I go to Thomas Piketty's masterly work *Capital and Ideology* (2019) where he convincingly demonstrates that inequality which results from the framework of capitalism had deleterious consequences for the social fabric. Taking a long view of history, he shows that between 1880 and 1914, the world underwent an 'inegalitarian turn', with the period post the French Revolution producing 'excessive

concentration of wealth' which in turn 'exacerbated social and nationalist tensions'. These tensions were in turn exploited by the fascists, who went on to capture power in both Italy and Germany. In Piketty's analysis, the world is facing a similar crisis brought upon us by the unsustainable levels of inequality. The rise of right-wing parties and the appeal of right-wing ideologies owe much to the grave levels of economic inequality wrought by capitalism. Any attempt at addressing the appeal of Hindutva will also have to address the question of social and economic inequality.

Your book brings together a range of evidence to convincingly demonstrate how India is being fundamentally transformed. There is a sense of despair among a wide variety of Indians that the foundational constitutional vision and imagination of the country are being trampled upon perniciously. What then is to be done. to challenge this incremental assault?

I end the book by asking the question 'what is to be done?' and then go on to highlight some of the ways in which this authoritarian regime is being resisted. My point is to bring together dissenting traditions from across the country to indicate that dissent is very much alive today. Be it humour as dissent, dissent in the bureaucracy, the combatting of

inequality, the defence of constitutional values; there are alternative viewpoints in contemporary India.

The challenge, of course, is how do all those who will eventually be targets of the Hindutva state-be it the political opposition, human rights activists, Ambedkarites, humourists, workers, farmers, Dalits, women, and others-come together. How can a united front against totalitarianism be created? These are some of the questions I grapple with at the end of the book.

Often people feel powerless to change the status quo. I specifically draw from Arendt's analysis where she demonstrates how totalitarian states thrive to create this feeling of helplessness and work to ensure that people remain isolated, alienated and alone so that they don't act together. As she puts it, '... power always comes from men acting together, isolated men are powerless by definition'.

THE COST OF DISSENT

I remember the inspirational civil liberties activist K. Balagopal, who made the point that the arrest of Binayak Sen under the sedition law was fundamentally about sending a message that dissent has costs. The psychological objective of Sen's arrest, in Balagopal's analysis, was to make people afraid that if they were ever to dissent, like Binayak Sen, they could be arrested. This sense of fear and isolation needs to be combatted.

Activities ranging from attending discussions to participating in protests are important as ways of breaking the sense of isolation. Once people begin to meet each other, the possibility of acting together opens up. When people begin to act together, the process of change is set in motion. Human solidarity creates an environment in which it is possible to actualise the World Social Forum slogan that 'another world is possible'.

**Frontline,
25th March, 2022**

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## RESUME OF BUSINESS TRANSACTED DURING THE 255<sup>TH</sup> SESSION OF RAJYA SABHA

This is my first opportunity to share with you the business transacted by the Rajya Sabha and related issues during its Winter Session (255<sup>th</sup> Session) in November-December, 2021, after assuming the charge of the Secretary-General on 12<sup>th</sup> November, 2021.

2. The 255<sup>th</sup> Session of Rajya Sabha which commenced on 29<sup>th</sup> November, 2021 was originally scheduled to conclude on 23<sup>rd</sup> December, 2021; however, it was adjourned *sine die* one day ahead of the schedule on 22<sup>nd</sup> December, 2021. During the 255<sup>th</sup> Session, the Rajya Sabha held a total of 18 sittings against the scheduled 19 sittings. The House sat for approximately 45 hours and 35 minutes. There were disruptions on a number of occasions resulting in the loss of 44 hours and 01 minute. However, the House sat late beyond the scheduled time for 57 minutes to complete the legislative and other important business. The overall productivity of the House stood at 47.9%.

3. On the first day of the Session, Hon'ble Chairman introduced the new Secretary-General to the House. On the same day, newly elected Members,

namely, Shrimati Rajani Ashokrao Patil, elected from the State of Maharashtra; Shri M. Mohamed Abdulla, Shri K.R.N. Rajeshkumar, Dr. Kanimozhi NVN Somu, elected from the State of Tamil Nadu; and Shri Luizinho Joaquim Faleiro, elected from the State of West Bengal made / subscribed oath / affirmation before taking their seats in the House. Hon'ble Chairman then made references to the passing away of Shri Oscar Fernandes, a sitting Member; five former Members, namely, Shri K. B. Shanappa, Dr. Chandan Mitra, Shri Hari Singh Nalwa, Shrimati Monika Das and Shri Abani Roy. The House observed silence with all the Members standing. The House was adjourned for an hour, as a mark of respect to the memory of Shri Oscar Fernandes, sitting Member of the House. When the House re-assembled, Hon 'ble Chairman while making his opening remarks said:

*We are meeting at the confluence of the historic 75<sup>th</sup> year of our hard-fought Independence and the 72<sup>nd</sup> year of adoption of the Constitution of India. There is a certain solemnity that is associated with such rare occasions and I*

*sincerely hope that all of us would be guided by the spirit of the momentous occasion as we proceed with this Winter Session. ..*

Hon'ble Chairman while emphasizing on the guiding principles and philosophy of the provisions of our Constitution stated:

*The people of India who gave us this Constitution chose democracy as an instrument for socio-political and economic transformation of our country in a peaceful manner. Accordingly, the Constitution prescribed 'dialogue, debate, decision' in the Legislatures for negotiated pathways for development based on the 'will of the people' conveyed in succeeding elections to the Parliament and the State Legislatures. All that I would like to emphasize on this solemn occasion is that we need to be guided by the philosophy and the provisions of the Constitution that determine the architecture of our democracy instead of negating it on some pretext or the other.*

Highlighting the performance and activities of the Parliamentary Committees during the inter-session period, the Hon'ble Chairman observed:

*I would like to inform you all that the eight Department-Related Parliamentary Standing Committees of Rajya Sabha have held a total of 21 meetings in the National Capital since their reconstitution last month. They met for a total of 39 hours 33 minutes which comes to an average duration of 1 hour and 53 minutes per meeting. The average duration slipped below two hours per meeting since the new Committees held quite a few introductory meetings and to discuss the agenda for future. The average attendance in these meetings has, however, been a good 48.58 per cent which is close to the half-way mark and I have urged the Chairmen to reach out to the Members ...*

*The Committee on Transport, Tourism and Culture held four meetings with the best average duration of 2 hours 48 minutes per meeting besides average attendance of 51.61 per cent. This Committee held another six meetings for over twenty hours in five cities outside Delhi during study tours. Some other committees have also done so. The Committee on Commerce held the highest number of five*

*meetings for duration of about eight and a half hours. I am glad to know and share with all of you that the Committee on Education, Women, Child, Youth and Sports interacted at length with a ninth class student from Haryana while examining the issue of 'Reforms in Content and Design of Text Books'. This is a good evidence of reaching out to the stakeholders for effective feedback and for informed reporting on the subjects chosen for examination by these Committees. Such stakeholders' consultations place the Committees on a separate pedestal in aid of the Parliament.*

Hon'ble Chairman further made an announcement regarding seating and other arrangements for Members made in the House in view of the prevailing COVID-19 protocols.

4. On the same day, *i.e.*, 29<sup>th</sup> November 2021 Hon'ble Chairman informed the House that he had received a letter dated 15<sup>th</sup> September, 2021, from Ms. Arpita Ghosh, Member, representing the State of West Bengal, resigning her seat in the Rajya Sabha and that he had accepted her resignation with effect from the same date.

5. Subsequently, on the same day, *i.e.* 29<sup>th</sup> November 2021 on a motion moved by Shri Pralhad Joshi, Minister of Parliamentary Affairs, Minister of Coal and Minister of Mines and adopted by the House, 12 Members, namely, Shri Elamaram Kareem, Shrimati Phulo Devi Netam, Shrimati Chhaya Verma, Shri Ripun Bora, Shri Binoy Viswam, Shri Rajmani Patel, Ms.Dola Sen, Shrimati Shanta Chhetri, Shri Syed Nasir Hussain, Shrimati Priyanka Chaturvedi, Shri Anil Desai and Shri Akhilesh Prasad Singh were suspended from the services of the House for the remaining part of the 255<sup>th</sup> Session.

6. On 30<sup>th</sup> November, 2021 Shri Mallikarjun Kharge, Leader of the Opposition raised a point of order under rules 256 (1), 256 (2) and 258 of the Rules of Procedure and Conduct of Business in the Council of States. He stated that as per the well-established conventions of the House, every Member who sought to raise a point of order had to be permitted by the Chair, especially when it was the Leader of the Opposition. He mentioned that on the previous day he was not allowed to raise his point of order, which was a gross violation of the well-settled and time-honoured parliamentary conventions. He also

stated that under Rule 256 (1) before a Motion for the suspension of any Member is moved, the Chair has to first name a Member, if he is of the view that the Member has disregarded the authority of the Chair or abused the Rules of the Council. He further stated that under Rule 256 (2), only a Member thus named by the Chair can be suspended for persistent and wilful obstruction of the business of the House. He said that there are two parameters to be adhered to by the Chair for the suspension of a Member, (i) the naming of the Member by the Chairman; and (ii) moving a Motion for the suspension of a Member so named. He maintained that this procedure is relevant only on the date of occurrence of the alleged disregard or disorderly conduct of a Member. He pointed out that on the previous day, the Motion for suspension of Members was moved by the Minister of Parliamentary Affairs for their alleged disorderly conduct which had taken place during the previous Session and on that particular day (*i.e.* 29<sup>th</sup> November, 2021) none of the twelve Members was named by the Chair. The Leader of the Opposition was of the opinion that bringing forward the Motion to suspend the Members months after the day of occurrence of their alleged disorderly conduct was not in order. He requested Hon'ble Chairman to revoke the suspension of the Members.

6.1 After listening to the point of order raised by the Leader of Opposition, Hon'ble Chairman gave the following ruling:

*I heard the Leader of the Opposition. Let me clearly clarify for the sake of understanding of the House as well as the nation. The Rajya Sabha is a continuing institution. The Chairman of the Rajya Sabha is empowered under Rules 255, 256, 259, and even under other residuary powers under rule 266. The Chairman can take action, and the House can take action. What happened yesterday is not the Chairman taking action. It is the House, after the Motion was moved, which took this action.... Even about these Members, on 10<sup>th</sup> August, please go through the records; if you want, I will ask it to be released again, we named the Members. We requested them also to go to their respective seats... The Deputy Chairman made the appeal a number of times. Sometimes, he took the names also. Later also, in the Bulletin too, it was published about the Members who indulged in this act ... The Members who have committed this sacrilege against the*

*House, they have not expressed any remorse. On the other hand, they are justifying it. So, I don't think the appeal of the Leader of the Opposition is worth considering.*

7. On 1<sup>st</sup> December, 2021 Shri Jose K. Mani (Kerala) made and subscribed oath and took his seat in the House.

8. On 2<sup>nd</sup> December, 2021 after the Papers were laid on the Table of the House, Hon'ble Chairman made the following observation regarding the suspension of the Members from the House on 29<sup>th</sup> November, 2021:

*Hon 'ble Members, this is the fourth sitting of the first session of this august House in the 75<sup>th</sup> year of our hard-fought Independence. The House could not transact any business during the last three days. The people of India gave themselves the Constitution of India that stipulated democracy as the instrument of nation building as per the dreams of freedom fighters and the vision of makers of the sacred Constitution. The Constitution cast a huge responsibility on the legislatures and elected representatives of the people. Since I can't go public with my*

*anguish in any other way, the only platform to share my anguish and thoughts is to speak in the House. Some of the respected leaders and members of this august House, in their wisdom, chose to describe the suspension of 12 members as 'undemocratic'. I have struggled to understand if there was any justification in that kind of a narrative being propagated but could not. The latest suspension is not the first time to have happened. Such suspension of members, starting in 1962 happened on 11 occasions till 2010, further to a Motion moved by the Governments of the day. Were all of them undemocratic? If so, why it was resorted to so many times? The Rules of Procedure and Conduct of Business in the Council of States clearly provide for suspension of members for disrupting the proceedings of the House and for misconduct lowering the dignity of the House, under Rules 255 and 256. The reasons for the latest suspensions were in the public domain and the Minister of Parliamentary Affairs gave the reasons while moving the Motion for suspension on the first day of*

*this Session. I don't want again to recall those forgettable acts of misconduct during the last monsoon session that laid the ground for the latest suspensions.*

*While calling this suspension as undemocratic both within and outside the House, not even a word is being said about the reasons given for the suspension, the disdainful conduct of some members during the last session, which I have categorically called as 'acts of sacrilege' on the last day of last session. Unfortunately, a message is sought to be sent out that 'sacrilege' of the House is democratic but action against such sacrilege is undemocratic. I am sure people of the country would not buy (these) new norms of democracy. Hon'ble Members, there were suspensions in the past and some of them were revoked prematurely further to the errant members regretting their acts of misconduct in the House.*

*I am deeply pained to know from media reports of categorical refusals to express any regret for the acts of misconduct during the last session that led to this round of suspensions. Then what is the*

*way forward? You don't want to regret your misconduct but insist on revoking the decision of this House taken as per due process stipulated under the Rules of the House. Does this amount to upholding the principles of democracy? Leader of the House has stated in this House that revocation of suspension could be considered if the concerned Members express regret for what was done in the House during the last session. Deputy Chairman has urged both the sides to talk it out and do the needful to move forward to enable normal functioning of the House. It is human to err and it is also human to make amends. One cannot refuse to amend and insist on glossing over the wrong doings. Suspensions, either in the past or now, are only the expression of disapproval of the acts of misconduct of some members by the House. Disapproval of undemocratic conduct in the House can't be decried as undemocratic, for sure. I urge both the sides of this august House to talk it out and let the House do it's mandated job.*

9. On the same day, i.e. 2<sup>nd</sup> December 2021, when the Dam Safety Bill, 2021 was being taken up for consideration and passage, Shri John Brittas, Shri G. V. L. Narasimha Rao and Shri Anand Sharma raised some points of order. Shri John Brittas raised a point of order under rule 256 (2) of the Rules of Procedure and Conduct of Business in the Council of States with respect to the suspension of Members on 29<sup>th</sup> November, 2021. Hon'ble Deputy Chairman then observed:

*We have already started the discussion on the Dam Safety Bill, 2019. You can raise any point of order on this Bill only .... As per rules, I am telling you that you can make a point of order only regarding this Dam Safety Bill, not on any other issue.*

Thereafter, when Shri Anand Sharma also supported the point of order raised by Shri John Brittas stating that it can be raised on any subject, Hon'ble Deputy Chairman while quoting an earlier ruling given by the Chair on 14<sup>th</sup> March 1985 observed:

*I am quoting, 'A point of order should concern a matter which is immediately before the House and not a matter discussed earlier.' The*

*discussion has already started on this ... Let me read it. "On 14<sup>th</sup> March, 1985, in the course of a discussion on the handloom ... " I can read the details. This is the rule, which I have already quoted and explained.*

9.1 Shri G.V.L. Narasimha Rao raised a point of order by quoting Rule 238 of the Rules of Procedure and Conduct of Business in the Council of States which states, "A Member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms." Shri Rao pointed out that another Member, Shri Shaktisinh Gohil while participating in the discussion on the Dam Safety Bill had made certain observations against the former Chief Minister and current Prime Minister which were not relevant to the subject of discussion. He requested the Chair to expunge all those remarks which were irrelevant and are in the nature of an allegation. Hon'ble Deputy Chairman then ruled, "We will look into your point of order".

9.2 Shri Anand Sharma raised a point of order by quoting articles 83 and 85 of the Constitution of India. He stated that the Council of States under article 83 is a permanent House which is not subject to dissolution.

Elaborating upon his point of order, he quoted article 85(1) and (2) which pertain to the summoning and proroguing of each House of Parliament by the President of India. He further mentioned that the current ongoing Session was the Winter Session (255<sup>th</sup> Session) which was summoned by the President of India and commenced from 29<sup>th</sup> November, 2021. He stated that the previous Session was the Monsoon Session (254<sup>th</sup> Session) which had been adjourned *sine die* on 11<sup>th</sup> August 2021, and thereafter, the House was prorogued by the President on 31<sup>st</sup> August, 2021. He sought a ruling from the Chair as to whether the prorogation was in order and if so, was the ongoing Session a separate Session or a continuation of the previous Session. After hearing the point of order, Hon'ble Deputy Chairman said that he would give the ruling later on in this regard.

Thereafter, on 8<sup>th</sup> December, 2021 Hon'ble Deputy Chairman gave the following ruling on the aforementioned point of order raised by Shri Anand Sharma on 2<sup>nd</sup> December, 2021:

*Hon'ble Members, on 2<sup>nd</sup> December, 2021 Shri Anand Sharma, Deputy Leader of INC in Rajya Sabha raised a point of order referring to article 85*

*of the Constitution. He inter alia stated that the previous (254<sup>th</sup>) Session which was adjourned sine die on the 11<sup>th</sup> August, 2021 was prorogued by the Hon'ble President on the 31<sup>st</sup> August, 2021.*

*Further, the current Session was summoned by the Hon'ble President with first sitting on 29<sup>th</sup> November, 2021.' He sought clarification whether the prorogation of the previous Session was in order and if so, whether the current (255<sup>th</sup>) Session of Rajya Sabha is a separate Session or a continuation of the previous (254<sup>th</sup>) Session*

*As we all are aware, the term "Session" is not defined in either the Constitution or in the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). However, in parliamentary parlance, a Session of the Rajya Sabha commences on the date and time mentioned in the Summoning Order of the Hon'ble President and ends with the day on which he prorogues the House.*



*Therefore, there is no question of any doubt on the point raised by Shri Anand Sharma whether this Session is a separate one or a continuation of the previous Session of Rajya Sabha. I may also add that the Chair is not mandated to decide whether the prorogation of a Session by the Hon'ble President is in order or not. All I can say is that due procedure was followed in obtaining prorogation orders of the Hon'ble President. Be that as it may, as per article 83 of the constitution regarding the duration of the Houses of Parliament, Rajya Sabha is not subject to dissolution unlike the Lok Sabha which may be dissolved or which may continue for five years from the date appointed, whichever is earlier.*

10. On 3<sup>rd</sup> December, 2021, during the Private Members' Business, several Private Members' Bills were introduced. When a Private Members' Bill, namely, the Constitution (Amendment) Bill, 2021 (amendment of the Preamble) was being introduced by Shri K.J. Alphons, Prof. Manoj Kumar Jha raised a point of order referring to Rule 62 of the Rules of Procedure and Conduct of Business in

the Council of States. He mentioned that the Bill being introduced by Shri K.J. Alphons sought to amend the Preamble and therefore under Rule 62, it could be introduced only with the prior sanction or recommendation of the President. Hon'ble Deputy Chairman clarified to the Member that if introduction of a Bill is opposed on general grounds, then explanatory statements are made by both sides and it was for the Courts to take the final decision on whether the Preamble could be amended or not. When Prof. Jha insisted on opposing the introduction of the Bill under Rule 62, the Deputy Chairman clarified that the consent of the President was not required for introducing the Bill. He added that as the Bill was the property of the House it was for the House to take the decision in this regard. Thereafter, upon a suggestion made by Shri V. Muraleedharan, Minister of State in the Ministry of Parliamentary Affairs and Ministry of External Affairs, to reserve the ruling on the admissibility of the Bill for a later date, the Hon'ble Deputy Chairman after taking the sense of the House deferred the introduction of the Bill.

11. On 15<sup>th</sup> December, 2021, during the Question Hour, Shri Anand Sharma raised the point relating to the suspension of the Members. He mentioned that Rule 256 dealing with

the ‘Suspension of Members’ contained a *proviso* that ‘the Council may, at any time, on a motion being made, resolve that such suspension be terminated’. In this regard, he drew the attention of the Chair to page 316 of ‘Rajya Sabha at Work’, wherein on 14<sup>th</sup> December, 1967 when Shri Jaisukhlal Hathi was the Leader of House, Shri Raj Narain was suspended. Referring to further details of the issue, Shri Anand Sharma said that the suspension of the Member was terminated upon a Motion moved and adopted by the House. He said that a notice for the termination of the suspension of the Members has been given by him and Shri P. Chidambaram. After listening to the point raised by Shri Sharma, Hon’ble Deputy Chairman made the following observation:

*Hon’ble Members, when the House met this morning, Shri Anand Sharma, Deputy Leader of the Indian National Congress, gave notice to the Hon’ble Chairman, Rajya Sabha, of his intention to move a motion under proviso to Rule 256 (2) for termination of the suspension of 12 Members of the Rajya Sabha, who were earlier suspended by the House on 29<sup>th</sup> November, 2021. He raised this matter in the House also immediately after laying of Papers. On his persistent*

*demand, Hon’ble Chairman observed that he would examine the notice given by Shri Anand Sharma. I have now been informed by the Hon’ble Chairman that the notice given by Shri Anand Sharma is not accompanied by the motion which he intends to move in the House and, as such, the notice given by Shri Anand Sharma is inadmissible. I may also add here that a motion can be moved in the House by any member with the consent of the Hon’ble Chairman only.*

12. On 17<sup>th</sup> December 2021, Hon’ble Chairman made the following observation regarding laying of papers on the Table by the Ministers:

*The Ministers, who are supposed to lay Papers on the Table of the House, having given notice to the Chair, should not be absent in the House. This is number one. In extreme circumstances — there would be some occasions, I have experience of twenty years here — if there is any problem, they must approach the Chair in advance and then seek permission. Some of them are doing it while others think it is casual. It cannot be casual, it*

*cannot be usual. I will not allow such things in future. The Leader of the House is here and also the Parliamentary Affairs Minister; I hope they take notice. I am not objecting to others laying it on their behalf with prior notice and prior permission. So, this has to be kept in mind.*

13. On 21<sup>st</sup> December, 2021, on a motion moved by Shri V. Muraleedharan, Minister of State in the Ministry of Parliamentary Affairs and Ministry of External Affairs and adopted by the House, Shri Derek O' Brien, Member was suspended from the services of the House for the remaining part of the current Session.

### **Legislative Business**

14. In the sphere of legislative business, 10 Government Bills were passed/returned by the House. A total of 21 hours 7 minutes were spent on the discussion of these Bills which constituted 46.3 % of the functional time of the House. The Bills included (i) the Farm Laws Repeal Bill, 2021; (ii) the Dam Safety Bill, 2021; (iii) the Assisted Reproductive Technology (Regulation) Bill, 2021; (iv) the Surrogacy (Regulation) Bill, 2021; (v) the National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021; (vi) the Delhi Special Police Establishment (Amendment)

Bill, 2021; (vii) the Central Vigilance Commission (Amendment) Bill, 2021; (viii) the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021; (ix) the Narcotics Drugs and Psychotropic Substances (Amendment) Bill, 2021; and (x) the Election Laws (Amendment) Bill, 2021. One Bill, namely, the Appropriation (No.5) Bill, 2021 was partly discussed. 127 Members participated in the discussion on these Bills.

14.1 One Bill, namely, the Mediation Bill, 2021 was introduced in the House and after introduction, the Minister-in-charge requested the Chair to refer the Bill to the concerned Department-related Parliamentary Standing Committee for examination and report.

14.2 A brief summary of some of the important Bills passed by the Rajya Sabha is given below:

i. ***The Dam Safety Bill, 2021*** sought to provide for surveillance, inspection, operation and maintenance of the specified dam for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith. Dams are critical infrastructure constructed with large investment for multi-purpose uses such as irrigation, power generation, flood moderation and supply of water for drinking and industrial purposes.

An unsafe dam constitutes a hazard to human life, ecology and public and private assets including crops, houses, buildings, canals and roads. Therefore, the safety of dam is a matter of great concern to the general public and becomes a national responsibility to take necessary steps to ensure the safety of dams. In view of some States favouring the idea of a uniform central legislation on dam safety, the Dam Safety Bill, 2010 was introduced during the 15<sup>th</sup> Lok Sabha which had been referred to the Department-related Parliamentary Standing Committee on Water Resources for examination and report. In the light of the recommendations of the Committee, the Ministry of Water Resources decided to withdraw the Bill and re-introduce a modified Bill. In the meanwhile, the 15<sup>th</sup> Lok Sabha was dissolved. The Dam Safety Bill, 2018 introduced during the 16<sup>th</sup> Lok Sabha also lapsed due the dissolution of the House. The Bill of 2021, *inter alia* sought for the establishment/constitution of the National Committee on Dam Safety, National Dam Safety Authority, State Committee on Dam Safety, State Dam Safety Organization in State, etc. to ensure the safety of dams.

The Bill was introduced in the Lok Sabha on 29<sup>th</sup> July, 2019 and was passed by that House on 2<sup>nd</sup> August, 2021. The Bill was passed by the

Rajya Sabha on 2<sup>nd</sup> December, 2021. The Bill as passed by both the Houses of Parliament received the assent of the President on 13<sup>th</sup> December, 2021 and became Act No. 41 of 2021.

*ii. The Assisted Reproductive Technology (Regulation) Bill, 2021* sought for the regulation and supervision of the assisted reproductive technology clinics and the assisted reproductive technology banks, prevention of misuse, safe and ethical practice of assisted reproductive technology services and for matters connected therewith. Assisted reproductive technology (ART) has grown by leaps and bounds in the last few years. India has highest growths in the ART centers and the number of ART cycles performed every year. Assisted Reproductive Technology including in-vitro fertilization, has given hope to a multitude of persons suffering from infertility, but it has also introduced a plethora of legal, ethical and social issues. A need had been felt to regulate the Assisted Reproductive Technology Services mainly to protect the affected women and children from exploitation. The Assisted Reproductive Technology (Regulation) Bill, 2021 proposed to regulate the Assisted Reproductive Technology services in the country.

The Bill was introduced in the Lok Sabha on 14<sup>th</sup> September, 2020

and was passed by that House on 1<sup>st</sup> December, 2021. The Bill was passed by the Rajya Sabha on 8<sup>th</sup> December, 2021. The Bill as passed by both the Houses of Parliament received the assent of the President on 18<sup>th</sup> December, 2021 and became Act No. 42 of 2021.

*iii. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021* sought to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958. The Bill *inter alia* sought to insert section 17B and section 16B, respectively in the aforesaid Acts to provide benefit of additional quantum of pension to a retired Judge from the first day of the month in which he completes the age specified in the first column of the scale and not from the first day of his entering the age specified therein as interpreted by the High Courts of Gauhati and Madhya Pradesh in their orders dated 5<sup>th</sup> March, 2018 and 3<sup>rd</sup> December, 2020 respectively. Therefore, the Bill proposed to insert an *Explanation* in section 17B of the said High Court Judges Act and in section 16B of the said Supreme Court Judges Act to clarify the intention and to ensure that there is no scope for any other interpretation.

The Bill was introduced in the Lok Sabha on 30<sup>th</sup> November, 2021 and was passed by that House on 8<sup>th</sup> December, 2021. The Bill was passed by the Rajya Sabha on 13<sup>th</sup> December, 2021. The Bill as passed by both the Houses of Parliament received the assent of the President on 18<sup>th</sup> December, 2021 and became Act No. 44 of 2021.

*iv. The Surrogacy (Regulation) Bill, 2021* sought to constitute National Surrogacy Board, State Surrogacy Boards and appointment of appropriate authorities for regulation of the practice and process of surrogacy and for matters connected therewith. India has emerged as a surrogacy hub for couples from different countries for past few years which had led to reported incidents of unethical practices, exploitation of surrogate mothers, abandonment of children born out of surrogacy and import of human embryos and gametes. Therefore, a necessity to enact a legislation to regulate surrogacy services in the country, to prohibit the potential exploitation of surrogate mothers and to protect the rights of children born through surrogacy had risen. The Bill *inter alia* sought to constitute the Surrogacy Boards at National and State level to regulate surrogacy.

The Bill was introduced in the Lok Sabha on 15<sup>th</sup> July, 2019 and was passed by that House on 5<sup>th</sup> August, 2021. The Bill was passed by the Rajya Sabha on 8<sup>th</sup> December, 2021. The Bill as passed by both the Houses of Parliament received the assent of the President on 25<sup>th</sup> December, 2021 and became Act No. 47 of 2021.

v. ***The Election Laws (Amendment) Bill, 2021*** sought to amend the Representation of the People (RP) Act, 1950 and the Representation of the People (RP) Act, 1951. Electoral reforms have been an ongoing and continuing process. Based on the proposals of Election Commission, the Central Government proposed to amend the RP Act 1950 and RP Act 1951. The Bill *inter alia* sought to amend sections 23,14 (b), and 20 of the RP Act of 1950 for enabling the linking of electoral roll data with the Aadhaar ecosystem to curb the menace of multiple enrolment of the same person in different places; specifying the 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July and 1<sup>st</sup> October in a calendar year as qualifying dates in relation to the preparation or revision of electoral rolls and for substitution of the word “wife” with the word “spouse” making the statutes gender neutral. The Bill sought to amend the RP Act of 1951 to enable the requisition of premises that are needed or likely to be needed for the purpose of being used as

polling stations, for counting, for storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken; accommodation for security forces and polling personnel.

The Bill was introduced in the Lok Sabha on 20<sup>th</sup> December, 2021 and was passed by that House on the same day. The Bill was passed by the Rajya Sabha on 21<sup>st</sup> December, 2021. The Bill as passed by both the Houses of Parliament received the assent of the President on 29<sup>th</sup> December, 2021 and became Act No. 49 of 2021.

#### **Other Obituary References**

15. During the Session, the Chairman also made reference to the passing away of General Bipin Rawat, Chief of Defence Staff of the country. The House observed silence as a mark of respect to the memory of the departed.

#### **References/ Felicitations by the Chair**

16. During the Session, the Chair made the references in the House on the occasions of (i) 73<sup>rd</sup> Anniversary of the adoption of the Universal Declaration of Human Rights, celebrated the world over on the 10<sup>th</sup> of December as ‘Human Rights Day’; (ii) 20<sup>th</sup> Anniversary of the terrorist attack on the Parliament House on the

13<sup>th</sup> December, 2001; and (iii) 50<sup>th</sup> Anniversary of the Vijay Diwas on 16<sup>th</sup> December, recalling the valiant and fearless action of Indian Armed Forces against Pakistan which led to the formation of Bangladesh. The Chair also made a reference for the inscription of the Durga Puja in Kolkata in the coveted Representative List of 'Intangible Cultural Heritage of Humanity' of UNESCO.

#### **Resignation by Members**

17. During the Session, the Chair informed the House about the resignation tendered by 2 elected Members of the House, namely, Ms. Arpita Ghosh, representing the State of West Bengal (resigned *w.e.f.* 15<sup>th</sup> September, 2021); and Dr. Banda Prakash representing the State of Telangana (resigned *w.e.f.* 4<sup>th</sup> December, 2021).

#### **Statistical Information**

18. During the Session, 261 Starred Questions and 2824 Unstarred Questions were admitted and answered. Of these, 57 Starred Questions were orally answered. Question Hour could not be taken up for 8 days due to persistent disruptions in the House and the resultant adjournments.

19. In all, 44 hours and 01 minute of the scheduled sitting time of the House were lost due to disruptions on issues like (a) demand for revocation

of suspension of Members; (b) killing of civilians in the incident of firing in Mon District of Nagaland; and (c) demand for resignation by MoS in the Ministry of Home Affairs in the light of the report of SIT probing the death of farmers and others at Lakhimpur Kheri in Uttar Pradesh.

20. 65 Special Mentions on matters of public importance were permitted by the Chairman, out of which 48 were made and the remaining were laid during the Session. Further, 82 matters were raised with the permission of the Chair (Zero Hour Submissions) and in one matter, concerned Minister replied. Also, on 14<sup>th</sup> December, 2021, on the request of Shrimati Jaya Bachchan, the Chairman permitted her to lay the submission as a special case due to *din* in the House.

21. During the Session, a discussion was taken up in the House under Rule 176 (Short Duration Discussion). The discussion on 'situation arising out of cases of Omicron variant of COVID-19 virus in the country' was raised by Shri G.K. Vasan on 15<sup>th</sup> December, 2021. The discussion continued on 16<sup>th</sup> and 20<sup>th</sup> December 2021 as it could not be concluded due to disruption of proceedings. Dr. Mansukh Mandaviya, Minister of Health and Family Welfare and Minister of Chemicals and Fertilizers replied to the discussion on

20<sup>th</sup> December, 2021. Another Short Duration Discussion on the 'situation arising out of price rise in the country including the rise in the prices of petroleum products' was listed in the Business on 6<sup>th</sup> December, 2021 but could not be initiated.

22. During the Session, two *suo moto* statements were made by the Ministers. These were: (i) regarding the incident of firing in Mon District of Nagaland made by Shri Amit Shah, Minister of Home Affairs and Minister of Cooperation on 4<sup>th</sup> December, 2021; and (ii) regarding the unfortunate crash of the military helicopter on 8<sup>th</sup> December, 2021, with India's first Chief of Defence Staff, General Bipin Rawat, his spouse and other armed forces personnel onboard by Shri Raj Nath Singh, Minister of Defence, on 9<sup>th</sup> December 2021.

23. As regards the Private Members' Business, 22 Private Members' Bills were introduced. The introduction of one Private Members' Bill, namely, the Constitution (Amendment) Bill, 2021 (amendment of the Preamble) by Shri K. J. Alphons Was deferred. One Private Members' Bill, namely, the Companies (Amendment) Bill, 2019 moved by Dr. Vinay P. Sahasrabuddhe was taken up for discussion on 3<sup>rd</sup> December, 2021. 9 Members participated in the discussion. Rao Inderjit Singh, Minister

of State (Independent Charge) of the Ministry of Statistics and Programme Implementation, Ministry of Planning and Minister of State in the Ministry of Corporate Affairs, intervened in the discussion. However, the discussion on the Bill could not be concluded. One Private Members' Resolution moved by Dr. Ameer Yajnik urging the Government to constitute a Joint Parliamentary Committee to present a comprehensive report within a stipulated timeframe on the current status of air, water and land pollution in the country, and to make stringent provisions in the law to mitigate environmental pollution and promote sustainable development was partly discussed in the House on 10<sup>th</sup> December, 2021. 11 Members participated in the discussion on the said Resolution which was not concluded.

24. During the Session, 145 Reports/ Statements of various Parliamentary Committees including those of the Department-related Parliamentary Standing Committees were presented or laid on the Table of the House including the Report of the Joint Committee on the Personal Data Protection Bill, 2019. Of these, 32 Reports were presented by the Department-related Parliamentary Standing Committees of Rajya Sabha which included 27 Action Taken Reports and 5 Reports on Bills/ Subjects.



25. In pursuance of the Direction of the Hon'ble Chairman, Rajya Sabha and Hon'ble Speaker Lok Sabha, issued in September 2004, 38 Statements by Ministers were laid on the Table of the House on the status of implementation of the recommendations contained in the Reports of the Department related Parliamentary Standing Committees.

26. During the Session, some important papers/ reports including Report of the National Human Rights Commission, New Delhi, for the year 2018-19; National Mission for Clean Ganga (NMCG), New Delhi, for the year 2020-21; National Bank for Agriculture and Rural Development (NABARD), Mumbai, for the year 2020-21; Competition Commission of India, New Delhi, for the year 2020-21; Insurance Regulatory and Development Authority of India, Hyderabad, for the year 2020-21; Separate Audit Reports of the Comptroller and Auditor General of India on the accounts of the Stressed Assets Stabilization Fund, for the year ended on 31<sup>st</sup> of March, 2015, 31<sup>st</sup> of March, 2016, 31<sup>st</sup> of March, 2017, 31<sup>st</sup> of March, 2018 and 31<sup>st</sup> of March, 2019; National Commission for Backward Classes, New Delhi, for the year 2015-16; Indira Gandhi National Open University, New Delhi, for the year 2020-21; 106<sup>th</sup> and 109<sup>th</sup> Liquidator's Report on Voluntary

winding up of the Industrial Investment Bank of India Limited, Kolkata, for the period 1.4.2021 to 30.6.2021 and 1.7.2021 to 30.9.2021; Statement on Half Yearly Review of the trends in receipt and expenditure in relation to the Budget, at the end of the first half of financial year 2021-22; 37<sup>th</sup> Progress Report on the Action Taken pursuant to the recommendations of the Joint Parliamentary Committee (JPC) on Stock Market Scam and matters relating thereto (December, 2021); first time reports like Sagarmala Development Company Limited, New Delhi, for the years 2016-17, 2017-18, 2018-19 and 2019-20; Report of the Lokpal of India, New Delhi, for the year 2019-20; and Reports of the Comptroller and Auditor General of India were laid on the Table of the House.

#### **Facilities for Members**

27. During the Session, a Mega Health Camp was organised for the Members of Parliament for two weeks *i.e.* from 6.12.2021 to 17.12.2021. During the health camp, a team of specialist doctors of AIIMS from specific fields such as Cardiology, Oncology, Endocrinology, Nephrology, etc. were available for consultation on the health issues of Members of Parliament.

28. The Secretariat, taking cognizance of IT related queries and concerns being raised by the Members, set up an IT helpdesk for the entire duration of the 255<sup>th</sup> Session. The facility was set up in the Inner Lobby of the Rajya Sabha Chamber. Officials from NIC were present at the helpdesk to resolve the queries of Members on the spot.

29. In order to ensure contactless correspondence during the COVID-19 pandemic, meeting notices, parliamentary papers and other communications were circulated electronically to all Members through 'Members' Portal'.

#### **Sensitization Programme for Media Persons**

30. A two-day (i.e. from 18<sup>th</sup> to 19<sup>th</sup> December, 2021) Sensitization Programme for the media persons covering Parliamentary proceedings was organized by the Rajya Sabha Secretariat. Hon'ble Deputy Chairman, Shri Harivansh inaugurated the programme. The programme was organised to apprise the media persons,

both print and electronic, of various aspects of parliamentary practices and procedures governing the functioning of the Parliament. The programme consisted of sessions on specific topics such as basic parliamentary procedures and their scope; legislative process; functioning of Committee System in Indian Parliament; Media and Parliamentary Coverage: Perspective of Members; What to report and What not to Report covering issues such as expunction of unparliamentary remarks, parliamentary privileges, freedom of press; Legislation during the British Rule and till the inception of Indian Parliament, etc. Veteran Parliamentarians and experts delivered lectures on the aforementioned topics in the programme. The programme was attended by over 40 journalists from various print and electronic media organisations.

#### **Valedictory Remarks**

31. Hon'ble Chairman made the valedictory remarks at the conclusion of the Session on 22<sup>nd</sup> December, 2021.

Expressing his anguish at the performance of the House during the Session, he said:

*I am not happy to share with you that the House functioned much below its potential. I urge all of you to reflect and introspect, collectively and individually, if this Session could have been different and better.. we should*

*all work towards constructive and positive atmosphere for the larger interest of the country ... Rules, regulations, procedure, precedent, decency and decorum have to be maintained.*

32. The 255<sup>th</sup> Session of the Rajya Sabha was adjourned *sine die* on 22<sup>nd</sup> December, 2021 and was prorogued by the President of India on 24<sup>th</sup> December, 2021.

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## RESUME OF BUSINESS TRANSACTED DURING THE 256<sup>TH</sup> SESSION OF RAJYA SABHA

The Budget (256<sup>th</sup>) Session of Rajya Sabha was held during January-April 2022 amidst prevailing COVID-19 pandemic complying with COVID related protocols/ procedures. The Session which commenced on 31<sup>st</sup> January, 2022 with Shri Ram Nath Kovind, Hon'ble President of India addressing both the Houses of Parliament assembled together in the Central Hall of Parliament House, was held in two parts, *i.e.* from 31<sup>st</sup> January to 11<sup>th</sup> February, 2022 and from 14<sup>th</sup> March to 7<sup>th</sup> April, 2022 with a recess of 30 days between the two parts of the Session to enable the Department-related Parliamentary Standing Committees to consider the Demands for Grants of the respective Ministries/ Departments of the Government of India. The House was originally scheduled to adjourn *sine die* on 8<sup>th</sup> April 2022. However, it was adjourned *sine die* a day ahead on 7<sup>th</sup> April, 2022. During the Session, the House devoted its time to the discussion/ adoption of Motion of Thanks on the President's Address, passage of the Union Budget 2022-23, discussion on the working of Ministries and legislative business.

2. The timing of sittings of the Rajya Sabha during the first part of the Session was from 10.00 a.m. to 3.00 p.m. except on 31<sup>st</sup> January and 1<sup>st</sup> February, 2022 when the House sat from 2.30 p.m. and 1.35 p.m., respectively. During the second part of the Session, the House resumed the usual timing of sittings, *i.e.* 11.00 a.m. to 6.00 p.m.

3. During the 256<sup>th</sup> Session, the Rajya Sabha held a total of 27 sittings against the scheduled 29 sittings. The House sat for approximately 127 hours and 34 minutes. There were disruptions on a number of occasions resulting in the loss of 9 hours and 23 minutes. However, the House sat late beyond the scheduled time and skipped lunch recess on some days to make up the time loss of about 8 hours and 25 minutes and completed the legislative and other important business. The overall productivity of the House stood at 99.80%.

4. On the first day of the Session *i.e.* 31<sup>st</sup> January 2022, a copy of the President's Address to both the Houses of Parliament assembled together was laid on the Table of the House. Hon'ble Chairman then made references to the passing away of

Dr. Mahendra Prasad, a sitting Member; and four former Members, namely, Shri Joyanta Roy, Shri Debendra Nath Barman, Shri M.Moses, Shri Ganeshwar Kusum, and Pandit Birju Maharaj, legendary Kathak dancer. The House observed silence with all the Members standing, as a mark of respect to the memory of the departed. Thereafter, Hon'ble Chairman made an announcement regarding seating arrangement for the Members. He observed:

*Hon'ble Members may kindly note that in view of the present situation due to Covid pandemic, the seating arrangement for Members has been made in the Rajya Sabha Chamber, Rajya Sabha Galleries (except Press Gallery) and the Lok Sabha Chamber. The fixed Seat/Division numbers for Members, as is done in the normal seating arrangement, has, therefore, been dispensed with in this Session. The number of seats for each party at different places, that is, Rajya Sabha Chamber, Rajya Sabha Galleries and Lok Sabha Chamber, has been fixed as per their numerical strength for allocation amongst their Members by the respective parties.*

Hon'ble Chairman requested the Members to follow the seating arrangement. In this regard, Hon'ble Chairman further observed:

*I would like to make a request to the Members. Please stick to the seats that are allotted to your party and to you. I have already asked the Secretary-General to speak to the leaders of different parties to see that their Members are informed about the seating arrangement so that Members can occupy those seats. Even today, I see some Members sitting closely to each other. This should be avoided at any cost.*

5. On 1<sup>st</sup> February, 2022, the House assembled at 1:35 p.m. after the conclusion of the Budget Speech by Shrimati Nirmala Sitharaman, Minister of Finance and Minister of Corporate Affairs in the Lok Sabha. The Minister laid on the Table of the House, a statement of the estimated receipts and expenditure of the Government, for the year 2022-23 *i.e.* the Union Budget, 2022-23; besides Medium-term Fiscal Policy cum Fiscal Policy Strategy Statement and Macro-Economic Framework Statement under the Fiscal Responsibility and Budget Management Act, 2003. The discussion on the Union Budget, 2022-2023 was held on

four days *i.e.* 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> February, 2022. Forty-five Members participated in the discussion which lasted for 11 hours and 02 minutes. The discussion on the Union Budget concluded on 11<sup>th</sup> February, 2022 with the Minister of Finance and Minister of Corporate Affairs, Shrimati Nirmala Sitharaman replying to the discussion.

6. On 2<sup>nd</sup> February, 2022, Shrimati Geeta *alias* Chandraprabha moved the Motion of Thanks on the President's Address, which was seconded by Shri Shwait Malik. In pursuance of the Direction of the Hon'ble Chairman on 8<sup>th</sup> January, 2021, a limit was placed on the number of notices of amendments to the Motion of Thanks. The discussion on the Motion of Thanks on the President's Address was held on four days, *i.e.* 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 7<sup>th</sup> February, 2022. Shri Narendra Modi, Hon'ble Prime Minister replied to the discussion on 8<sup>th</sup> February, 2022. Forty Members participated in the discussion which lasted almost 12 hours and 58 minutes. All the amendments moved were negatived and the Motion of Thanks to the President's Address was thereafter adopted.

6.1 On the same day, *i.e.* 2<sup>nd</sup> February, 2022, Hon'ble Chairman made the following observation regarding the raising of matters under Rule 180, submission of notices for Special Mentions and raising matters with the permission of the Chair:

*... The sittings of the House from today, the 2<sup>nd</sup> February, 2022 onwards, will be from 10.00 a.m. to 3.00 p.m. Rule 180 of the Rules of Procedure and Conduct of Business in Rajya Sabha provides for admitting Calling Attention notices and sub-rule (5) states that they should be raised at 2.00 p.m. and at no other time during the sitting of the Council. In view of the change in the time of the sittings of the House during this Session, for the sake of convenience, Calling Attention shall be raised in the House at such a time as may be decided instead of strictly at 2.00 p.m., as provided in the rules. Similarly, Rule 180(C)(1) provides that the time for submitting notices for Special Mention shall be up to 5.00 p.m. on a day for raising the matter on the next day of sitting. Again, in view of the change in timings, it has been decided that the time for submitting notices of Special Mention shall be up to 1.00 p.m. on a day, for raising the matter on the next day of sitting. I hope the House accepts these modifications. Regarding Zero Hour, keeping in view the time*

*constraint, it will be taken up in the first half-an-hour of the sitting. I appeal to the Members that instead of taking three minutes they may take two minutes, so that more and more Members get an opportunity.*

6.2 On the same day, Hon'ble Chairman while making his opening remarks, emphasised upon the significance of the 75<sup>th</sup> year of Independence and 70 years of elections in the country, during which the Session was taking place. He observed:

*This Session is happening almost in the midst of the 75<sup>th</sup> year of the country's hard fought Independence. The sole objective of the long drawn freedom struggle was 'Swaraj' in which people are the masters of their destiny through parliamentary institutions and elected representatives.*

*This year also marks 70 years of elections in the country since the elections to the first Lok Sabha during 1951-52. This Session, accordingly, is being held at the confluence of two such historic events and hence, assumes significance. In addition, any Budget Session offers a broad guidance to the course of economic progress over the next financial year.*

*This Budget Session acquires added significance as the nation is collectively keen and endeavouring to lift the national economy out of the adverse impact of the COVID pandemic over the last two years. Threats to the economy are still continuing with the third wave of the pandemic at present. The world is living in uncertainty on account of this pandemic. This reminds all of us of our responsibilities to do the needful, to overcome the challenge and secure the socio-economic transformation of our country, which is a work in progress.*

Reflecting upon the performance of the House during the 75<sup>th</sup> year of Independence, Hon'ble Chairman observed:

*It is appropriate to reflect on how this august House has functioned so far during the 75<sup>th</sup> year of our Independence. During the last Winter Session, the first in this historic year, this august House lost 52.10% of the valuable sitting time due to disruptions and forced adjournments. During the preceding Monsoon Session last year, the loss of functional time of this House was as high as 70.40%. This trend of disruptions*

*is highly disturbing. I refer to the same with a fervent hope that we all reflect on the same and conduct ourselves in a manner befitting the historic time that we are passing through.*

Appealing to the Members to contribute to the functioning of parliamentary democracy, Hon'ble Chairman observed:

*In this historic year, the need of the hour is for the 5,000 MPs, MLAs and MLCs to resolve to return to the people the favour they have been relentlessly doing by nurturing our democracy. The only way of doing so is to conduct ourselves in a manner befitting the trust the citizens still have in our parliamentary democracy ... The spirit of the occasion demands that this House turns out the best performance during this important Budget Session.*

Hon'ble Chairman also appreciated the performance of the Department related Standing Committees during the inter-Session period and complimented the Chairmen and the Members of the Committees for their efforts. He observed:

*I am happy to inform that the average attendance of*

*Members in the meetings has increased from 47.64 per cent in 2016-17 to 48.79 per cent in 2019-20. It fell marginally during 2020-21, but the average attendance in 255 meetings during 2019-21 has been 47 per cent, despite the long spell of COVID pandemic. This is a very welcome improvement showing the deep commitment of each one of you to your parliamentary duties.*

*With regard to the duration of meetings of eight Committees, the average duration of meetings improved from 1 hour 48 minutes to 2 hours 10 minutes during 2019-20 marking an increase of 22 minutes on an average per meeting. It is a welcome sign. The Committee on Home Affairs reported the highest increase of 66 minutes per meeting followed by the Committee on Transport with 44 minutes increase; Commerce, 42 minutes, Education, 29 minutes and Science and Technology, 22 minutes. Similar trend prevailed during 2020-21. Such substantial increase in the duration of meetings meant that the resources spent on the meetings of these Committees are being better utilised. I*



*compliment the Chairmen and Members of these Committees for their efforts in this regard.*

7. On 3<sup>rd</sup> February, 2022, prior to the commencement of the Question Hour, Hon'ble Chairman made an observation on the need to adhere to time limit allotted for discussion by the Business Advisory Committee. He observed:

*... Once the time was allocated, various parties were informed about the time allocation. Respective parties have been told to give names accordingly and also, if possible, mark the time that they want to give to each Member. Now, I am told that they have sent it to Members, but they are not following it. The problem is, if some speakers take more time and leave less time for their colleagues, there would be practical problems. I do not want to name any party here. I would request all the leaders to see to it that whatever time Members have been allocated is followed by one and all.*

8. On 4<sup>th</sup> February, 2022, Hon'ble Deputy Chairman made an observation regarding a point of order raised by Prof. Manoj Kumar Jha on 3<sup>rd</sup>

December, 2021 to the motion moved by Shri KJ. Alphons for introduction of a Private Members' Bill, namely, 'The Constitution (Amendment) Bill, 2021 (Amendment of Preamble)'. Prof. Jha had pointed out that the Bill being introduced by Shri KJ. Alphons sought to amend the Preamble and therefore under Rule 62, it could be introduced only with the prior sanction or recommendation of the President. The Deputy Chairman clarified to the Member that if introduction of a Bill is opposed on general grounds then explanatory statements are made by both sides and thereafter it is for the House to adopt the motion for introduction of the Bill or defeat the same. Finally it is for the Courts to take the decision on whether the Preamble could be amended or not. When Prof. Jha insisted on opposing the introduction of the Bill under Rule 62, the Deputy Chairman clarified that the consent of the President was not required for introducing the Bill. He added that as the Bill was the property of the House it was for the House to take the decision in this regard. Thereafter, upon a suggestion made by Shri V. Muraleedharan, Minister of State in the Ministry of Parliamentary Affairs and Ministry of External Affairs, to reserve the ruling on the admissibility of the Bill for a

later date, the Hon'ble Deputy Chairman after taking the sense of the House deferred the introduction of the Bill. On 4<sup>th</sup> February 2022, Hon'ble Deputy Chairman gave the following ruling on the point of order raised by Prof, Manoj Kumar Jha:

*Hon'ble Members, during the Private Members' Legislative Business Day of the last Session on 3<sup>rd</sup> December, 2021, hon. Member, Prof Manoj Kumar Jha had opposed, without giving any prior notice, the motion moved by hon. Member, Shri K.J. Alphons for leave to introduce his Private Members' Bill, namely, "The Constitution (Amendment) Bill, 2021 (Amendment of Preamble)". He had, argued inter alia that Preamble is part of the basic structure of the Constitution and the Bill may not be allowed for introduction. He had also referred to Rule 62(2) of the Rules of Procedure and contended that such a Bill, which did not have the previous sanction or recommendation of the President, cannot be introduced in the House.*

*It was clarified on that day by me that Rule 67 of the Rules of Procedure states that "If a motion for leave to*

*introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question for the decision of the House." It was also informed that a decision on the motion for leave to introduce a Bill had to be taken by the House and not by the Chair. However, on a request made by the Minister of State for Parliamentary Affairs and after taking the sense of the House, the introduction of the Bill was deferred.*

*Preamble is part of the Constitution and as per Article 368 of the Constitution, Parliament may, in exercise of its constituent power, amend by way of addition, variation or repeal any provision of the Constitution and a Bill for the purpose can be introduced in either House of the Parliament. There are a number of instances in past when Private Members' Constitution (Amendment) Bills to amend the Preamble have been introduced in both the Houses of Parliament and they are on record.*

*As already clarified by me on that day, that is, 3<sup>rd</sup> December, 2021, if the introduction of a Bill is opposed on the ground of legislative competence of the Council, the Council decides the same and not the Chair. There are a number of rulings given by the Chair in this House on this issue taking the same stand in the past. I would like to quote a couple of them.*

*On 4<sup>th</sup> September, 1959, the then Deputy Chairman, Rajya Sabha, gave the following ruling, and I quote:*

*“Shri Bhupesh Gupta has introduced a Bill for amending the Representation of the People Act, 1951. The Law Minister raised a point of order that the Bill is ultra vires of the Constitution as it indirectly seeks to amend the Constitution by introducing a provision for recall under the guise of disqualification under the Representation of the People Act. This objection was not taken at the introduction stage. But I still feel that there is a strong force in the objection raised by the Law Minister and it may amount to an amendment to the Constitution. But the*

*Chair has never taken the responsibility of deciding the ultra vires or otherwise of a Bill. There have been several decisions of the Chair in this connection. In fact, on 23<sup>rd</sup> April, 1951, when an objection was taken in the Provisional Parliament to the Forward Contracts (Regulation) Bill that it was ultra vires of the Constitution, the Speaker observed:*

*“The position which I had made clear was that the question of ultra vires will not be decided by the Chair, but that it may be left to the House. If it comes to the conclusion that it is ultra vires, the House may reject the Bill. If the House accepts the Bill for consideration, then the party aggrieved has his remedy in the Supreme Court or other courts. Therefore, I said, it was no use going in detail into questions of constitutional niceties because after all these are things which can best be argued by lawyers, and it is not proper to take the time of the House over these long discussion of niceties.”*

*Again, in 1953, when the constitutionality of the Legislative Assembly (Prevention of Disqualification) Bill was raised, it has been observed*

*“In all these matters, the Speaker has never taken upon himself the responsibility of deciding the point of order whether it is constitutional or otherwise. It is for the House to take this also into consideration in voting down the Bill or accepting it.*

*Under the circumstances, I leave it to the House to accept or not to accept the Bill.”*

*On another occasion on 11<sup>th</sup> May, 1963, the then Chairman, Rajya Sabha, gave the following ruling and I quote it:*

*“I thank the hon. Members for the assistance they have given me in coming to a conclusion. Prima facie I think we can go on with the discussion, but I do not wish to give any ruling, because in the Central Legislature it has been the accepted practice for the Chair not to take upon itself the responsibility of deciding whether the House has the legislative competence to*

*entertain a Bill or whether a Bill is ultra vires. When any such question is raised, the usual practice has been to leave the matter for the decision of the House. The main reason for the adoption of this course is that a question relating to the legislative competence of the House or the constitutionality of the proposed legislation often involves much difficulty and complexity and it is the function of the courts and ultimately of the Supreme Court to decide such a question. The Presiding Officer should not arrogate to himself the functions of the court, especially as he has not the facilities or the material on which to come to a satisfactory decision. It is the sole privilege and duty of the House to decide every question that arises on a motion moved by a Member. So, if the matter is left to the House to decide, the House may reject the Bill, if it is of the view that the Bill is ultra vires. If, however, the House accepts the Bill, the party aggrieved will still have the remedy in the courts and ultimately in the Supreme Court. This question came before the Central Legislature on various occasions and the accepted practice has been as stated by me.”*

*As regards the objection raised by Prof Manoj Kumar Jha under Rule 62(2) that Bill does not have the previous sanction or recommendation of the President, I may clarify here that there is no such requirement for introduction of the Bill under reference. Therefore, there is no question of any doubt on the admissibility of the Bill for introduction seeking to amend the Preamble to the Constitution.*

*Be that as it may, the Bill has been listed in today's agenda for introduction. The House may decide about the manner of disposal of the motion when the motion for introduction of the proposed Constitution (Amendment) Bill, 2021 (Amendment of the Preamble) is moved by Shri K.J. Alphons, Member.*

9. On 11<sup>th</sup> February 2022, before the Session was adjourned for recess, Hon'ble Deputy Chairman appreciated the Members for the smooth conduct of the proceedings of the House during the first part of the 256<sup>th</sup> Session (Budget Session). Hon'ble Deputy Chairman observed:

*Hon'ble Members, just before we adjourn for a long recess, on behalf of hon. Chairman and on my own behalf, I would like to express our happiness over the manner in which proceedings of this august House took place during the first part of the Budget Session. The House has not witnessed any forced adjournments during the entire first part of this Budget Session and it functioned nearly half- an-hour more than the scheduled sitting time. The credit for this goes to every Member of this House. As a result, the Members could not only participate effectively in the discussion on the Motion of Thanks on the President's Address and on the General Discussion on Union Budget, but they were also able to raise 51 Starred Questions, 71 Zero Hour Submissions and about 50 Special Mentions. I compliment all sections of this august House for effective functioning of the House in a very positive way during this part of the Budget Session and hope that we would continue to be guided with the same spirit in the future.*

10. On 14<sup>th</sup> March, 2022, as soon as the House assembled, Hon'ble Chairman made references to the passing away of former Members, namely, Shri Nabin Chandra Buragohain, Shri Rahul Bajaj, Prof. D. P. Chattopadhyaya and Shri Yadlapati Venkat Rao. Highlighting the performance of the 8 Department-related Parliamentary Standing Committees serviced by the Rajya Sabha Secretariat during the 30 day recess, Hon'ble Chairman observed:

*The eight Department-related Parliamentary Standing Committees of the Rajya Sabha have held a total of 21 meetings for a total duration of 73 hours 33 minutes and examined the Demands for Grants of 18 Ministries comprising 32 Departments. I am happy to share with all of you that the average duration of these 21 meetings was 3 hours and 30 minutes per meeting which is the best in this regard so far. This marked an increase of 1 hour 17 minutes per meeting, a rise of 56 per cent over that of last year.*

*I am glad to note that 3 Committees met for an average duration of more than four hours per meeting. The Committee on Education reported the highest average*

*duration of 4 hours 48 minutes per meeting, followed by the Committee on Personnel and Public Grievances with 4 hours 39 minutes and the Committee on Commerce with 4 hours 8 minutes. However, there has been a decline in the average attendance of meetings this year from that of last year. I understand that the recent Assembly Elections were a major factor that pulled down the attendance. I propose to soon hold another meeting with the Chairmen of all these 8 Committees on their functioning over the last five years ... Attending meetings should be given priority by the Members. Elections are important. I do agree. But attending Committee meetings need to be given due priority.*

Hon'ble Chairman while highlighting the productivity of the first part of the 256<sup>th</sup> Session appealed to the Members to sustain the positive spirit throughout the Session. He observed:

*Hon 'ble Members, you may recall that the first part of this Budget Session that had 10 sittings marked a refreshing break from the turbulence of some previous sessions. There*

*were no forced adjournments of the House during the first part. As a result, the productivity of the House was 101.40 per cent. The last eight full sittings of the first part of this session were free of disruptions and forced adjournments, for the first time in the last about three years ... I appeal to the Members to sustain this positive spirit during the 19 sittings of this part of the Session.*

10.1 On the same day *i.e.* 14<sup>th</sup> March, 2022, Hon'ble Chairman made an announcement regarding the Papers to be laid on the Table and the resumption of normal sitting hours of the House. He observed:

*Hon 'ble Members, during the first leg of the Budget Session of our House, I had accepted the request of the Minister of Parliamentary Affairs for permitting the Ministers of State in the Ministry of Parliamentary Affairs to lay all the Papers listed under the heading 'Papers to be laid on the Table' in the List of Business for the day in the name of other Ministers on their behalf due to limited functional time available and the special seating arrangements. However,*

*now, the situation has improved and the Members would be sitting in Rajya Sabha Chamber and its Galleries only, and the House will function as per its normal sitting, from 11 a.m. to 6 p.m., during this remaining part of the current Session. Therefore, all Papers listed under the heading 'Papers to be laid on the Table' will now be laid by the individual Ministers concerned. This has to be noted by all the Ministers and I hope the Minister of Parliamentary Affairs will guide them.*

10.2 On the same day *i.e.* 14<sup>th</sup> March, 2022, Hon'ble Chairman on his behalf and on behalf of the House welcomed the Members of parliamentary delegation from Austria who were seated in the Special Box to witness the proceedings of the Rajya Sabha. The delegation was led by His Excellency, Mr. Wolfgang Sobotka, President of the National Council of Austria and Her Excellency, Ms. Christine Schwarz-Fuchs, President of the Federal Council of Austria who was on a visit to India. The Chairman wished them a happy and fruitful stay in India and through them conveyed greetings and best wishes of the House to the National Council as well as Federal Council of Austria, the Government and the friendly people of Austria.

11. On 16<sup>th</sup> March, 2022, while referring to the proceedings of the House on the previous day i. e. 15<sup>th</sup> March, 2022, when Members sought clarifications on the *suo moto* Statement made by the Minister of External Affairs regarding the situation in Ukraine, Hon'ble Chairman observed:

*Hon 'ble Members, I have observed yesterday that while seeking clarification, people were giving speeches. Clarification means clarification only. I am not referring to any individual's name.*

12. On the same day i.e. 16<sup>th</sup> March, 2022, the Deputy Chairman while reminding the Members to adhere to the well-established practice for participating in a debate/ discussion made the following observation:

*Hon'ble Members, as you are aware that as per well established practice, for participating in a debate/ discussion, Members should give their name at least half an hour before the scheduled discussion is taken up in the House. It has, however, been observed that some Members/ parties give their names after the discussion starts and insist on their being called to participate in the discussion.*

*This causes avoidable inconvenience to the Chair as well as to the parties/Members whose names were received well in time. Further, sometimes a demand is made to increase the time of a particular party/ Member beyond the allotted time to that party/Member. It is also not possible that names of the Members are called by the Chair in the order in which they are received because a system of proportional time allotment has been followed in this House for many decades. Similarly, for seeking clarifications on a statement by the Minister, it is not possible to call every Member of a party who has given his name if other Members from that party have already got the opportunity to seek clarifications so that Members from maximum parties/groups in Rajya Sabha could be accommodated in the given time frame. The Chair's limitation is that it cannot violate the rules/practices created by this august House itself. The Chair ensures that parties/Members get the opportunity to participate in a debate/discussion as per the strength of that party in Rajya Sabha. I therefore, appeal to all of you to please adhere to the rules/practices so that the House can function smoothly.*



13. On 30<sup>th</sup> March, 2022, while citing the established practice of submission of slips by Members associating themselves with a Zero Hour Submission/Special Mention raised by other Members and the need for timely completion of verbatim proceedings of the House, Hon'ble Chairman observed:

*Hon'ble Members, as per practice, Members are allowed to associate themselves with Zero Hour submissions and Special Mentions made in the House by sending their names on slips devised for the purpose. Many a time, these slips are received very late causing delay in preparation and finalization of verbatim proceedings of the day. Therefore, for timely completion of verbatim proceedings of the House, Members are requested that association slips should reach the Table of the House by 1.00 p.m. for matters raised till 12 noon. For Special Mentions taken up before adjournment of the House for the day, such slips may be sent to the Notice Room No. 26, Parliament House, within half-an-hour of adjournment of the House.*

14. On 5<sup>th</sup> April, 2022, during the Zero Hour, Dr. Anbumani Ramadoss raised the issue of Cauvery water dispute. While raising the matter with the permission of the Chair, Dr. Anbumani Ramadoss had exceeded his

time limit. Hon'ble Chairman repeatedly requested the Member to conclude his speech, however, the Member did not pay heed to the Chair's requests. Hon'ble Chairman then observed:

*If a Member does not obey the Chair, the entire issue raised by the Member will not be a part of the proceeding. This is my ruling. For future also, if anybody goes beyond the Chairman's permission, what they had said will not go on record.*

Reminding the Members not to refer to the names of other States while raising sensitive matters, Hon'ble Chairman further observed:

*... when we are raising an issue which is sensitive, we should not take names of other States. It is a simple thing. We are the Council of States. We are not here to accuse each other. Only the issue will go on record, no mention of any State. Any reference to any State which will be part of it will not go on record.*

15. On the same day i.e. 5<sup>th</sup> April, 2022, following the passage of the Delhi Municipal Corporation (Amendment) Bill, 2022, Shri Sanjay Singh sought clarification from the Chair regarding his notice of amendments on the aforesaid Bill. While replying to the clarification sought by the Member, Hon'ble Deputy Chairman observed:

*Under Rule 95 (1) of the Rules of Procedure and Conduct of Business in Rajya Sabha, 'A notice of an amendment has to be given one day before the day on which the Bill is to be considered'... The above Bill is listed for consideration and passing in today's List of Business, that is, 05.04.2022, while the notice of amendments by Shri Sanjay Singh was received today, 05.04.2022 at 12.45 pm. Accordingly, the notice of amendments could not be admitted.*

### **Legislative Business**

16. In the sphere of legislative business, 11 Government Bills were passed/ returned by the House. A total of 28 hours and 50 minutes were spent on the discussion of these Bills. The Bills included (i) The Appropriation (No.2) Bill, 2022; (ii) The Appropriation (No.3) Bill, 2022; (iii) The Jammu and Kashmir Appropriation Bill, 2022; (iv) The Jammu and Kashmir Appropriation (No.2) Bill, 2022; (v) The Finance Bill, 2022; (vi) The Appropriation Bill, 2022; (vii) The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2022 ; (viii) The Constitution (Scheduled Tribes) Order (Amendment Bill, 2022; (ix) The Delhi Municipal Corporation (Amendment) Bill, 2022;

(x) The Criminal Procedure (Identification) Bill, 2022; and (xi) The Chartered Accountants, the Cost and Works Accountants and the Company Secretaries (Amendment) Bill, 2021.

16.1 A brief summary of some of the important Bills passed by the Rajya Sabha is given below:

(i) **The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2022** sought to further amend the Constitution (Scheduled Castes) Order, 1950 to omit Bhogta community from the list of Scheduled Castes in relation to the State of Jharkhand and the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Jharkhand. According to the provisions of articles 341 and 342 of the Constitution, the first list of the Scheduled Castes and the Scheduled Tribes were notified during the year 1950 in respect of various States and Union territories, *vide* the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, respectively. These lists were modified from time to time. List of Scheduled Tribes of the State of Jharkhand has been modified, *vide* the Constitution Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (10 of 2003). The State Government of Jharkhand had requested

to transfer “Bhogta” community from the list of Scheduled Castes to the list of Scheduled Tribes and to include certain communities *i.e.* “Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri)” communities in entry 16, “Talaria (Tamadia)” community in entry 24 and “Puran” community after entry 32 in the list of Scheduled Tribes in respect of the State of Jharkhand.

The Bill was introduced in the Rajya Sabha on 07<sup>th</sup> February, 2022 and was passed by the House on 30<sup>th</sup> March, 2022. The Bill was passed by the Lok Sabha on 5<sup>th</sup> April, 2022. The Bill as passed by both Houses of Parliament received the assent of the President on 8<sup>th</sup> April, 2022 and became Act No.8 of 2022.

**(ii) *The Chartered Accountants, the Cost and Works Accountants and the Company Secretaries (Amendment) Bill, 2021*** sought to further amend the Chartered Accountants Act, 1949, the Cost and Works Accountants Act, 1959 and the Company Secretaries Act, 1980. On account of the changes in the economic and corporate environment in the country, it had become necessary to amend the said Acts. A High Level Committee had been constituted by the Ministry of Corporate Affairs, *inter alia*, to examine the existing provisions in the Acts and the rules and regulations

made thereunder, for dealing with the cases of misconduct in the three professional institutes, namely, the Institute of Chartered Accountants of India, the Institute of Cost Accountants of India and the Institute of Company Secretaries of India and with a view to strengthening the existing mechanism and ensure speedy disposal of the disciplinary cases. The amendments to the Acts were based on the recommendations of the said High Level Committee. The Bill *inter alia* sought (i) to strengthen the disciplinary mechanism by augmenting the capacity of the Disciplinary Directorate to deal with the complaints and information and providing time bound disposal of the cases by specifying the time limits for speedy disposal of the cases against members of the Institutes; (ii) to address conflict of interest between the administrative and disciplinary arms of the Institute; (iii) to provide for a separate chapter on registration of firms with the respective Institutes and include firms under the purview of the disciplinary mechanism; (iv) to enhance accountability and transparency by providing for audit of accounts of the Institutes by a firm of chartered accountants to be appointed annually by the Council from the panel of auditors maintained by the Comptroller and Auditor- General of India; and (v) to provide for autonomy to the Council of the respective Institutes to fix various fees.

The Bill was introduced in the Lok Sabha on 17<sup>th</sup> December, 2021 and was passed by that House on 30<sup>th</sup> March, 2022. The Bill was passed by the Rajya Sabha on 5<sup>th</sup> April, 2022. The Bill as passed by both Houses of Parliament received the assent of the President on 18<sup>th</sup> April, 2022 and became Act No. 12 of 2022.

**(iii) *The Delhi Municipal Corporation (Amendment) Bill, 2022*** sought to further amend the Delhi Municipal Corporation Act, 1957 which was enacted to consolidate and amend the law relating to the Municipal Government of Delhi. A Corporation charged with the Municipal Government of Delhi had been established under the said Act as the Municipal Corporation of Delhi. In 2011, the said Act was amended by the Legislative Assembly of the National Capital Territory of Delhi *vide* the Delhi Municipal Corporation (Amendment) Act, 2011 which led to the trifurcation of the said Corporation into three separate Corporations. However, the trifurcation of the erstwhile Municipal Corporation of Delhi had been uneven in terms of territorial divisions and revenue generating potential. As a result, there was huge gap in the resources

available to the three corporations as compared to their obligations. Over a period, the gap had only widened, increasing the financial difficulties of the three Municipal Corporations in Delhi, leaving them incapacitated to make timely payment of salaries and retirement benefits to their employees. Owing to inadequacies in resources and uncertainty in fund allocation and release, the three corporations had been facing huge financial hardships, making it difficult for them to maintain the civic services in Delhi at the desired levels. The level and quality of the delivery of municipal services in the capital of India needed to be in consonance with its unique status and not be subjected to vagaries of financial hardship and functional uncertainties. The Bill *inter alia* sought (i) to unify the three municipal corporations into a single, integrated and well equipped entity; (ii) to ensure a robust mechanism for synergised and strategic planning and optimal utilisation of resources; and (iii) to bring about greater transparency, improved governance and more efficient delivery of civic service for the people of Delhi.

The Bill was introduced in the Lok Sabha on 25<sup>th</sup> March, 2022 and was passed by that House on 30<sup>th</sup>

March, 2022. The Bill was passed by the Rajya Sabha on 5<sup>th</sup> April, 2022. The Bill as passed by both Houses of Parliament received the assent of the President on 18<sup>th</sup> April, 2022 and became Act No. 10 of 2022.

**(iv) *The Criminal Procedure (Identification) Bill, 2022*** sought to authorise for taking measurements of convicts and other persons for the purposes of identification and investigation in criminal matters and to preserve records and for matters connected therewith. The Identification of Prisoners Act, 1920 had been enacted to authorise the taking of measurements and photographs of convicts and other persons. The term “measurements” used in the said Act was limited to allow for taking of finger impressions and foot-print impressions of limited category of convicted and non-convicted persons and photographs on the orders of a Magistrate. New “measurement” techniques being used in advanced countries give credible and reliable results and are recognised world over. Therefore, it had been felt essential to make provisions for modern techniques to capture and record appropriate body measurements in place of existing limited measurements. The said Act also provided access to limited category of persons whose body measurements can be taken. A need

had been felt to expand the scope and ambit of measurements which can be taken under provisions of law to aid in unique identification of a person involved in a crime which would assist the investigating agencies to solve criminal cases. The Criminal Procedure (Identification) Bill, 2022 provides for legal sanction for taking appropriate body measurements of persons who are required to give such measurements and would make the investigation of crime more efficient and expeditious and would also help in increasing the conviction rate. The Bill *inter alia* sought (i) to define “measurements” to include finger-impressions, palm- print and foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, etc.; (ii) to empower the National Crime Records Bureau of India to collect, store and preserve the record of measurements and for sharing, dissemination, destruction and disposal of records; (iii) to empower a Magistrate to direct any person to give measurements; (iv) to empower police or prison officer to take measurements of any person who resists or refuses to give measurements.

The Bill was introduced in the Lok Sabha on 28<sup>th</sup> March, 2022 and was passed by that House on 4<sup>th</sup> April, 2022. The Bill was passed by the Rajya Sabha on 06<sup>th</sup> April, 2022. The

Bill as passed by both Houses of Parliament received the assent of the President on 18<sup>th</sup> April, 2022 and became Act No. 11 of 2022.

### **Farewell to retiring Members**

17. On 31<sup>st</sup> March, 2022, the Question Hour was dispensed with to facilitate the House to bid farewell to 72 Members of the Rajya Sabha, including 7 nominated Members, representing the States of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Nagaland, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttar Pradesh and Uttarakhand, who were retiring from April to July, 2022 upon completion of their term of office. Extending his best wishes to the retiring Members, Hon'ble Chairman observed:

*... Hon. Members, to be a legislator is an honour conferred by the people. It is even more a privilege to be a Member of the Rajya Sabha. Such honour and privilege come with a set of responsibilities towards incorporating the expectations and aspirations of the people in the designing of laws and policies. Unfortunately, at a broader level, that privilege is*

*not being put to the best use. Functioning of the Legislature is being marred by persistent and often unjustifiable disruptions. It is disturbing to note that during the last four years, this august House has lost over 35 per cent of its valuable functional time due to such tendencies. This needs to be curbed before it becomes too late. Disruption-free proceedings offer a range of opportunities to the Members to give out their best, as we get to see during the smooth functioning of the House. .. Retiring from the House is not the end of the active pursuit of serving the cause of public and of the nation. It is yet another beginning of a new journey. You are only retiring. You are retired, but not tired. I am aware of it. You will be active in public life and you will be making your own contributions to enrich the public life. I am sure all the retiring Members would look back with contentment of having fulfilled your parliamentary obligations ...*

Shri Narendra Modi, Hon'ble Prime Minister associated himself with the sentiments expressed by the Hon'ble Chairman. 57 Members spoke

on the occasion. Shri Harivansh, Hon'ble Deputy Chairman also spoke on the occasion.

17.1 A farewell function to bid farewell to the retired/retiring Members of Rajya Sabha was organized at the residence of Hon'ble Vice-President of India and Chairman, Rajya Sabha on 31<sup>st</sup> March 2022. Hon'ble Deputy Chairman of Rajya Sabha and Convener of the Farewell Function Organizing Committee, Shri Harivansh, welcomed the Hon'ble Chairman, Rajya Sabha, Shri M. Venkaiah Naidu, other dignitaries, retired/retiring Members and other Members of the Rajya Sabha. A cultural programme was also organized where performances were given by only Members of Rajya Sabha namely, Dr. Sonal Mansingh, Shri Ram Chander Jangra, Smt. Roopa Ganguly, Shri Tiruchi Siva, Smt. Vandana Chavan, Dr.Santanu Sen and Ms. Dola Sen.

### **Discussion on the working of Ministries**

18. During the Session, discussions on the working of four Ministries namely, the Ministry of Development of North Eastern Region; the Ministry of Tribal Affairs; the Ministry of Railways; and the Ministry of Labour and Employment were held. The discussion on the working of the Ministry of Development of North Eastern Region was raised by Shri

Ripun Bora on 14<sup>th</sup> March, 2022 and concluded on the same day. Shri G. Kishan Reddy, Minister of Culture, Minister of Tourism and Minister of Development of North Eastern Region replied to the discussion on 15<sup>th</sup> March, 2022. 19 Members participated in the discussion. The discussion on the working of the Ministry of Tribal Affairs was raised by Shri Ram Vichar Netam on 15<sup>th</sup> March, 2022. The discussion concluded on 16<sup>th</sup> March, 2022 after which Shri Arjun Munda, Minister of Tribal Affairs replied to the discussion on the same day. 24 Members participated in the discussion. The discussion on the working of the Ministry of Railways was raised by Shri Prasanna Acharya on 16<sup>th</sup> March, 2022. The discussion took place on two days *i.e.* on 23<sup>rd</sup> and 24<sup>th</sup> March, 2022. Shri Ashwini Vaishnav, Minister of Railways, Minister of Communications and Minister of Electronics and Information Technology replied to the discussion on 24<sup>th</sup> March, 2022. 36 Members participated in the discussion. The discussion on the working of Ministry of Labour and Employment was raised by Shri M. Shanmugam on 30<sup>th</sup> March, 2022. Shri Bhupender Yadav, Minister of Environment, Forest and Climate Change and Minister of Labour and Employment, could not commence his reply to the discussion on 4<sup>th</sup> April, 2022 due to disruptions of the proceedings of the House.

25 Members had participated in the discussion. In all, 104 Members participated in the discussion on the working of four Ministries which lasted for about 22 hours and 36 minutes.

#### **Other Obituary References**

19. During the Session, the Hon'ble Chairman also made references to the passing away of Shrimati Jamana Devi Barupal, a former Member and Ms. Lata Mangeshkar, the legendary playback singer and a former Member. As a mark of respect to the memory of Ms. Lata Mangeshkar, the House was adjourned for one hour on 7<sup>th</sup> February, 2022. The Hon'ble Chairman also made references to the passing away of foreign dignitaries namely, the Archbishop Emeritus Desmond Mpilo Tutu of South Africa; and His Excellency Mr. David Sassoli, President of the European Parliament.

#### **References/ Felicitations by the Chair**

20. During the Session, the Chair made references in the House on the tragic incidents of (i) severe torrential rains in Malaysia between 17<sup>th</sup> and 19<sup>th</sup> December, 2021 causing loss of lives, extensive damage to property and livelihood of the people; (ii) massive underwater volcanic eruption near the Tongan capital of Nuku'alofa on 15<sup>th</sup>

January, 2022 causing loss of lives and damage to infrastructure of the country; and (iii) crash of China Eastern Airlines Boeing 737-800 in the mountains in Southern China on 21<sup>st</sup> March, 2022, in which 132 persons including 9 crew members reportedly lost their lives. The Chair also offered felicitations to the Indian Under-19 Cricket Team for bringing laurels to the country by winning the ICC Under-19 World Cup held in the West Indies from 14<sup>th</sup> January to 5<sup>th</sup> February, 2022 for the record fifth time which is the maximum number by any country.

21. During the Session, the House also observed the World Water Day on 22<sup>nd</sup> March 2022. The House also paid tributes to the legendary heroes of our Freedom Movement, Sardai Bhagat Singh, Rajguru and Sukhdev who attained martyrdom 91 years ago.

#### **Oath/ affirmation**

22. During the Session, eight Members, namely, Shri Pabitra Margherita, Shri Rwngrwa Narzary, Shrimati Jebi Mather Hisham, Shri Sandosh Kumar P, Shri A. A. Rahim, Shrimati S. Phangnon Konyak, Dr. Sikander Kumar and Dr. Manik Saha newly elected Members from the States of Assam, Kerala, Nagaland, Himachal Pradesh and Tripura made/



subscribed oath/affirmation and took their seats in the House during the Session.

### **Statistical Information**

23. During the Session, 389 Starred Questions and 4160 Unstarred Questions were admitted and answered. Of these, 141 Starred Questions were orally answered. One (1) Statement by Minister correcting answer to Unstarred Question was also laid during the Session. One (1) Short Notice Question was also laid. Question Hour was not held on 5 days in order to take up discussion on the Motion of Thanks on the President's Address, cancellation of sitting of the House on 17<sup>th</sup> March 2022, discussion on the Finance Bill, bidding farewell to retiring members and persistent disruptions in the House resulting in adjournments.

24. In all, 9 hours and 26 minutes were lost due to protests by Opposition members over issues like hike in fuel prices, nation-wide strike by Trade Unions etc. The House, however, made up 9 hours and 16 minutes by sitting late and skipping lunch recess.

25. 168 Special Mentions on matters of public importance were made/ laid during the Session and 248 matters were raised with the permission of the Chair (Zero Hour Submissions).

26. Three *suo moto* Statements by Ministers were made/ laid in the House. These were regarding (i) inadvertent firing of missile (on 9<sup>th</sup> March, 2022) made by Shri Raj Nath Singh, Minister of Defence on 15<sup>th</sup> March, 2022; (ii) the situation in Ukraine made by Dr. S. Jaishankar, Minister of External Affairs on 15<sup>th</sup> March, 2022; and (iii) establishment of WHO Global Centre for Traditional Medicine (WHO GCTM) in Jamnagar, Gujarat made by Shri Sarbananda Sonowal, Minister of Ports, Shipping and Waterways and Minister of AYUSH on 29<sup>th</sup> March, 2022.

27. As regards the Private Members' Business, 31 Private Members' Bills were introduced. Three Private Members' Bills, namely, (i) the Companies (Amendment) Bill, 2019; (ii) The Population Regulation Bill, 2019; and (iii) The Indian Penal Code (Amendment) Bill, 2021 were taken up for discussion. The discussion on the Companies (Amendment) Bill, 2019, moved by Dr. Vinay P. Sahasrabudhe, had been taken up on 3<sup>rd</sup> December, 2021 which concluded on 4<sup>th</sup> February 2022 and the Bill was withdrawn by leave of the House. The discussion on the Population Regulation Bill, 2019, moved by Shri Rakesh Sinha for consideration on 4<sup>th</sup> February, 2022 was concluded on 1<sup>st</sup> April, 2022. Twenty (20) Members took part in the

discussion on the Bill and the Bill was withdrawn by leave of the House. The Indian Penal Code (Amendment) Bill, 2021 was moved for consideration by Dr. Sasmit Patra on 1<sup>st</sup> April, 2022. However, the discussion could not be concluded. One Private Members' Resolution pertaining to promotion of research on Indian knowledge tradition; local culture/ micro - culture; and traditions pertaining to art, literature, culture, etc. was moved by Shri Rakesh Sinha on 25<sup>th</sup> March, 2022. Fourteen (14) Members participated in the discussion on the Resolution which lasted for 3 hours and 23 minutes. However, the discussion was not concluded.

28. During the Session, 195 Reports/Statements of various Parliamentary Committees including those of the Department-related Parliamentary Standing Committees were presented or laid on the Table of the House. Of these, 58 Reports were presented by the Department-related Parliamentary Standing Committees of Rajya Sabha which included 34 Reports on Demands for Grants, 11 Action Taken Reports and 13 Reports on Bills/ Subjects.

29. In pursuance of the Direction of the Hon'ble Chairman, Rajya Sabha and Hon'ble Speaker Lok Sabha issued in September 2000, 20 Statements were laid on the Table of the House

on the status of implementation of the recommendations contained in the Reports of the Department-related Parliamentary Standing Committees.

30. During the Session, some important papers/ reports including the Economic Survey, 2021-22 (Volumes I and II); Fiscal Policy Statements, 2022- 23; Annual Reports in respect of Air India Limited, New Delhi, for the year 2020-21; Air India Assets Holding Limited, New Delhi, for the year 2020-21; National Commission for Protection of Child Rights (NCPCR), New Delhi, for the year 2020-21; Union Public Service Commission, New Delhi, for the year 2020-21; National Commission for Women, New Delhi, for the year 2020-21; Telecom Regulatory Authority of India (TRAI), New Delhi, for the year 2020-21; Insolvency and Bankruptcy Board of India, New Delhi, for the year 2020-21; National Commission for Backward Classes (NCBC), New Delhi, for the years 2016-17 and 2017-18; and Annual Reports of various IITs, NITs, Central Universities, IIMs in the country; and first time Annual Reports of National Skill Development Agency (NSDA), New Delhi, for the years 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19; and few CAG Reports were laid on the Table of the House.

### Facilities for Members

31. During the Session, a talk on 'Long Term COVID-19 Syndrome - Novel Insights' for Members of Parliament was organised on 30<sup>th</sup> March, 2022. A panel of experts from the field of Pulmonology, Cardiology and Yoga etc. shared their insights on the topic.

32. During the Session, a Refresher Course on IT skills for Members of Rajya Sabha and their PAs/PSs was organized by the Rajya Sabha Secretariat, in coordination with NIC from 8<sup>th</sup> to 11<sup>th</sup> February, 2022.

33. An IT Helpdesk for Members of Parliament, was set up in the Inner Lobby of the Rajya Sabha Chamber during the Session days from 12:00 noon to 1:00 pm. NIC officials were available at the helpdesks to resolve Members' queries.

34. During the Session, in pursuance of the suggestion by the Hindi Salahakar Samiti of the Rajya Sabha Secretariat to encourage linguistic exchange among Hindi speaking and other language-speaking people, the Rajya Sabha Secretariat Recreation Club arranged for a special screening

of Telugu film 'Shyam Singh a Roy' for the Members of Rajya Sabha on 1<sup>st</sup> April, 2022. The screening was held at the Films Division Auditorium, Mahadev Road, New Delhi. The subtitles of the film were displayed in English.

### Valedictory Remarks

35. On the last day of the Session, *i.e.* 7<sup>th</sup> April, 2022, Hon'ble Chairman could not make Valedictory remarks due to disruptions in the House. Expressing his anguish over the disorderly conduct of some Members, entering into the well of the House in violation of the rules and etiquette and disrupting the proceedings of the House, the Chairman observed:

*This is totally against the democratic spirit, norms of the House, dignity and decorum of the House ... You have the privilege of not having the (valedictory) remarks of the Chairman.*

36. The Rajya Sabha was adjourned *sine die* on 7<sup>th</sup> April, 2022 by the Hon'ble Chairman and was prorogued by the Hon'ble President of India on 8<sup>th</sup> April, 2022.

## RESUME OF BUSINESS TRANSACTED DURING THE 7<sup>TH</sup> SESSION OF THE 17<sup>TH</sup> LOK SABHA

The Seventh Session of the Seventeenth Lok Sabha commenced on 29 November 2021 and concluded on 22 December 2022, a day ahead of the declared schedule. In all, the House held 18 sittings spread over 83 hours and 12 minutes and transacted important Financial, Legislative and other Business. The overall business productivity of the House stood at 82 per cent during the Session. It is matter of great pleasure that on 2 December 2021, the House recorded 204 per cent productivity.

Due to the ongoing COVID-19 pandemic, some of the necessary safety and security measures adopted since the Fourth Session had to be continued. It included measures like allotment of seats at Lok Sabha Chamber and its Galleries (except Press Gallery); Polycarbonate sheets between rows and seats in the Lok Sabha Chamber, Sensor based Sanitizer Dispensing Machines use of masks and social distancing, etc. Besides, Hon'ble Members who had been unable to get both the doses of any of the available vaccines were made to undertake RT-PCR test for attending the sittings of the House during the Session. The RT-PCR test facility was made available to the Members during the entire Session.

I would now like to dwell briefly upon important issues raised by Members and deliberations during the Seventh Session. Details thereof can be perused by consulting Lok Sabha debates:

During the Session, the House held debate on two matters of urgent public importance under Rule 193 of the Rules of Procedure and Conduct of Business in Lok Sabha (the Rules). On 2 December 2021, Shri Vinayak Bhaurao Raut, a Member, raised a discussion on COVID-19 pandemic and various aspects related to it. Earlier, the Hon'ble Speaker made observation on COVID-19 situation in the country and urged Members to share best management practices for combating the disease and to give constructive suggestions. A total of ninety-nine Members participated in the 12 hour and 26 minutes long discussion which concluded on 3 December, with a reply from Shri Mansukh Mandaviya, the Minister of Health and Family Welfare.

Another discussion was raised by Smt. Kanimozhi Karunanidh, a Member, on 8 December 2021 on Climate Change. The discussion continued on 10 December. In all, 61 Members expressed their views in the discussion that lasted for 6 hours and 26 minutes and did not conclude.

During the Session 18 hours 48 minutes of the House was lost due to unscheduled adjournments on account of lack of order in the House on various issues on 29 and 30 November and 1, 2 and 3 December. Hon'ble Speaker,

Shri Om Birla made a number of observations over these adjournments and, on 1 December 2021, observed

*“Hon’ble Members, you all are respectable Members of this august House One senior Hon’ble Member is speaking and you are waving the placards in front of him What sort of decorum you want to maintain in the House? I had given enough time and opportunity to your leader to speak on your subject. Such behaviour of yours is not justified in the House. The House will not run in this manner if some Hon’ble Members keep disrupting the proceedings in the House There has to be decency and decorum in the House to make it function I would like to request you all that we need to make collective efforts to check such disrupting behavior in the House.”*

Repeated adjournments were witnessed also on 15, 16, 17, 20 and 21 December as some Members entered into the well of the House raising various issues. On 20 December 2021, the Hon’ble Speaker appealed to the Members to maintain healthy tradition of the House and observed:

*“Hon’ble Members, in Question Hour we deal with important issues and questions. If you be seated in your seats, there shall be resolution of important issues and problems. The people of the country have elected you to the House to raise the issues and problems concerning them. All of you should conduct yourself in a dignified manner and ought to add to the dignity of the House. We are the largest democracy of the world. Parliament is the Supreme institution. The way you are conducting yourself in the House is not fair. I would like to request the Leaders of the House to maintain decency and decorum in the House. We all are obliged to maintain decency and decorum in the House I would provide ample time and opportunity to you all to place your views on all important issues. All of you may please occupy your respective seats.”*

- **Questions:** Out of the 340 Starred Questions listed during the Session, 91 Starred Questions were orally answered. Written replies to the remaining Starred Questions along with 3,910 Unstarred Questions were laid on the Table of the House On 20 December 2021, the entire list of 20 Starred Question was covered.

• ***Matters of Urgent Public Importance:***

A total of 563 matters of urgent public importance were raised by the Members after Question Hour and by sitting late in the evening. On 9 December 2021, 62 Hon. Members including 29 hon women Members, sat in the House till late at night and raised their matters in the House during the Zero Hour. Besides 344 matters were raised under Rule 377 by Hon. Members. Out of these, 121 matters were raised on the floor of the House and remaining 243 were laid on the Table of the House. As many as 50 statements were made by the Ministers on various important subjects.

• ***Motion to Refer a Bill to Joint Committee:***

On 20 December 2021, the Minister of Environment, Forest and Climate Change and Minister of Labour and Employment Shri Bhupender Yadav moved the motion that the Biological Diversity (Amendment) Bill 2021 be referred to a joint Committee of the Houses consisting of 21 Members from Lok Sabha and 10 members from Rajya Sabha, which will make a report to

this House by the last day of the first week of the next Session. The motion was adopted by the House.

• ***Change in nomenclature of***

***Departmentally Related Standing Committee (DRSC) and Ministries/ Departments covered under their***

***jurisdiction:***

in pursuance of the proviso to sub-rule (2) of Rule 331C of the Rules of Procedure and Conduct of Business in Lok Sabha (Sixteenth Edition), the Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha has made the following amendments to the Fifth Schedule concerning the nomenclature of some DRSCs and also the Ministries/ Departments covered under the jurisdiction of some of the Standing Committees.

Accordingly, the nomenclature of the DRSCs were changed as: (i) 'Committee on Agriculture' as Committee on Agriculture Animal Husbandry and Food Processing (ii) 'Committee on Information Technology' as Committee on Communications and Information Technology (iii) 'Committee on Labour'

as Committee on Labour, Textiles and Small skill Development (iv) 'Committee on Urban Development' as 'Committee on Housing and Urban Affairs'; (v) 'Committee on Rural Development as Committee on Rural Development and Panchayati Raj and (vi) 'Committee on Coal and Steel' as Committee on Coal, Mines and Steel. Besides, revisions on Ministries/Departments covered under the jurisdiction of the DRSCs were made for four such Committees.

### **Legislative Financial Business**

• **Financial Business** : The Minister of State for Finance, Shri Pankaj Chaudhary on behalf of the Minister of Finance, Smt. Nimala Sitharaman presented a statement showing the Supplementary Demands for Grants Second Batch for the year 2021-2022 to the House on 3 December 2021. The discussion on Supplementary Demands for Grants took place on 14 and 20 December 2021 and the Minister of Finance replied to the debate. All the Demands were voted in full on 20 December and the relevant Appropriation Bill was passed the same day.

• **Legislative Business (Government):** In all, 12 Government Bills were introduced and 9 Government Bills were passed. Some of the important

Bills passed during the Session were (i) The Farm Land Repeal Bill, 2021; (ii) The National Institute of Pharmaceutical Education and Research (Amendment) Bill 2021; (iii) The Central Vigilance Commission (Amendment) Bill 2021; (iv) The Delhi Special Police Establishment (Amendment) Bill 2021; and (v) The Election Laws (Amendment), 2021.

• **Private Members' Bill:** During the Session as many as 145 Private Members' Bills on various subjects were introduced. The Compulsory Voting Bill, 2019 introduced by Shri Janardan Singh Signival on 21 June 2019 and discussed on 12 and 26 July 2019 during the First Session and on 22 November 2019 during the Second Session was further discussed on 3 December 2021. However, the discussion on the Bill was yet to conclude.

• **Private Members Resolutions:** As regards Private Member's Resolution a Resolution, urging the Government to take welfare measures for Anganwadi workers and Anganwadi Sahayikas moved by Shri Ritesh Pandey on 20 March 2020 during the Budget Session was further discussed on 10 December 2021 and remained part-discussed.

• **Committee Reports:** In all, 44 Reports of the Standing Committees were presented to the House. All these reports are available on Lok Sabha homepage [www.loksabha.nic.in](http://www.loksabha.nic.in).

• **Other Business:** Three newly elected Members (i) Smt. Pratibha Singh (ii) Shri Gyaneshwar Pant and (iii) Smt. Delkar Kalaben Mohanbhai took oath and signed the Roll of Members during the Session.

• **Resignations:** The Hon'ble Speaker informed the House on 29 November 2021 that Shri Babul Supriyo, an elected Member from the Asansol Parliamentary Constituency of West Bengal, had resigned from the membership of the Lok Sabha and his resignation has been accepted with effect from 22 October 2021

• **Obituary References:** Obituary References were made to the passing away of 11 former Members viz Sarvashri B. Senguttuvan; Kalyan Singh; Godil Prasad Anuragi; Shyam Sunder Somani; Rajnarayan Budholiya; Devwrat Singh; Hari Danve Pundlik; Chandra Pal Shailani; Konijeti Rosaiah; Ram Nagina Mishra; and

Shri Oscar Fernandes, sitting Member of the Rajiya Sabha and former Member of the Lok Sabha.

On 9 December, the Hon'ble Speaker made a reference to the tragic loss of lives of Gen. Bipin Rawat, CDS, Smt. Rawat and other Armed Forces personnel in an unfortunate crash of Military Helicopter on 8 December 2021. On 16 December, the Hon'ble Speaker made reference to the loss of life of Group Captain Varun Singh, the lone survivor of the said IAF Helicopter crash on 8 December 2021.

On 13 December, Hon'ble Speaker also made a reference to the twentieth anniversary of the terrorist attack on Parliament House which took place on 13 December 2001.

• **Other References:** On 3 December 2021, the Hon'ble Speaker made reference to the World Divyang Day and stated that it was the day to reiterate our resolve to provide them equal opportunity in all respects. The whole nation feels proud of the performance displayed by our divyang athletes during the Olympics recently. On the occasion, the Hon'ble Speaker extended heartiest greetings to all the differently-abled persons.



On 16 December, the Hon'ble Speaker made an observation on Swarnim Vijay Diwas, the Fiftieth Liberation Day of Bangladesh. On the momentous occasion, remembering the amazing courage and tenacity displayed by the Bangladesh freedom fighters as well as the brave soldiers of the Indian Army, Navy, Air Force and Border Security Force, the Hon'ble speaker extended warm greetings to the people, Parliament and the Government of our friendly nation - Bangladesh.

• **Parliamentary Delegations:** A Parliamentary Delegation from Mongolia led by H.E. Gombojav Zandanshatar, the Chairman of the State Great Hural (Parliament) of Mongolia graced the Special Box of Lok Sabha on 1 December 2021. Welcoming the distinguished guests, the Hon'ble Speaker, extended the greetings of the House to the Parliament of Mongolia- the State Great Hural, the Government and the friendly people of Mongolia and wished them a happy comfortable and fruitful stay in India.

### **Parliamentary Events and Activities**

• **Seventh G-20 Parliamentary Speakers' Summit (P20) in Rome, Italy:** During inter-session period, an Indian Parliamentary Delegation comprising of Shri Om Birla, Hon'ble Speaker Lok Sabha and Shri Harivansh Hon'ble Deputy Chairman Rajya Sabha attended the Seventh G-20 Parliamentary Speakers Summit in Rome, Italy from 7 to 8 October 2021. The overall theme of the P20 Summit was "Parliaments for People, Planet and Prosperity. The Summit adopted a Joint Statement covering the deliberations.

In his intervention on the theme Response to the Social and Employment Crisis caused by the Pandemic, Hon'ble Speaker elaborated upon India's initiatives for saving lives and livelihoods during the pandemic. During his Keynote speech on the theme Rebooting Economic Growth in terms of Social and Environmental Sustainability, he emphasized on climate change & global warming as the biggest challenges before humanity

for building a sustainable world. Hon'ble Deputy Chairman Rajya Sabha made an intervention on the theme Sustainability and Food Security after the Pandemic.

On the sidelines, the Indian Delegation met HE. Rt. Hon'ble Sir Lindsay Hoyle Speaker of House of Commons, UK; H.E. Dr. Rener Haseloff, President of Bundesrat, Germany; H.E. Dr Jan Anthonie Bruijn, President of the Senate of Netherlands; H.E. Ms. Maria Elisa Alberti Casellati, President of the Italian Senate; H.E. Ms. Puan Maharani, Speaker of the House of Representative, Indonesia and H.E. Ms. Nosiviwe Mapisa Nqakula, Speaker of the National Assembly, South Africa.

On the evening of 8<sup>th</sup> October, 2021, the Delegation interacted with the members of the Italy-India Parliamentary Friendship Group. On 9<sup>th</sup> October 2021 Hon'ble Speaker held a meeting with HE Mr Duarte Pacheco, President, Inter-Parliamentary Union (IPU) and discussed various global issues.

• **World COVID and Critical Care Conference:** Hon'ble Speaker, Lok Sabha, Shri Om Birla addressed the World COVID and Critical Care Conference through the online medium on 9<sup>th</sup> October, 2021.

The Conference deliberated on the topic 'Covid Pandemic and the Role of Critical Care'. Eminent doctors and scientists from all over the world participated in the Conference.

• **82<sup>nd</sup> All India Presiding Officers Conference (AIPOC) in Shimla:** The 82<sup>nd</sup> All India Presiding Officers Conference (AIPOC) was held in Shimla, Himachal Pradesh from 16<sup>th</sup> to 19<sup>th</sup> November, 2021. The Conference was held to commemorate the Centennial year of the AIPOC and was inaugurated by the Prime Minister of India on 17<sup>th</sup> November, 2021. The Speaker, Lok Sabha, Shri Om Birla; the Deputy Chairman, Rajya Sabha, Shri Harivansh; the Chief Minister of Himachal Pradesh, Shri Jairam Thakur; the Speaker of Himachal Pradesh Vidhan Sabha, Shri Vipin Singh Palmar; the Leader of the Opposition in Himachal Pradesh Legislative Assembly, Shri Mukesh Agnihotri; and the Deputy Speaker of the Himachal Pradesh Assembly, Shri Hans Raj also graced the occasion and addressed the gathering.

Inaugurating the Conference the Prime Minister said that democracy is not just a system for India and also gave the idea of 'One Nation One Legislative Platform'. The Lok Sabha Speaker, Shri Om Birla said that the objective of the legislative institutions was to ensure active participation of

the people and their representatives so as to make progressive legislations to bring positive socio-economic changes in the lives of the people. The Deputy Chairman Rajya Sabha, Shri Harivansh urged the parliamentarians and legislatures to explore ways and means to make legislative bodies in tune with the contemporary realities and future goals.

During the Conference, discussions were held on (i) Journey of a Century - Evaluation and the way forward, and (ii) Responsibility of Presiding Officers towards the Constitution, the House and the People. The Conference was attended by 26 Presiding Officers and 20 Secretaries of Legislatures from across the country. An exhibition on 'Journey of All India Presiding Officers' Conference since 1921 to 2021" was organized by the Lok Sabha Secretariat.

The Valedictory Session was attended and addressed by the Governor of Himachal Pradesh, Shri Rajendra Vishwanath Arlekar; the Speaker, Lok Sabha, Shri Om Birla; the Minister of Information and Broadcasting and Youth Affairs & Sports, Shri Anurag Singh Thakur; the Deputy Chairman, Rajya Sabha Shri Hanvansh; the Speaker, Himachal Pradesh Assembly, Shri Vipin Singh Parmar and other dignitaries. The

Deputy Speaker of the Himachal Pradesh Assembly, Shri Hans Raj, delivered the Vote of Thanks.

Earlier on 16<sup>th</sup> November, the 58<sup>th</sup> Conference of Secretaries of Legislative Bodies in India was held at the Himachal Pradesh Vidhan Sabha. The Conference discussed issues related to Capacity building of Members for enriching debates and discussion in the House, Need for Online Committee meetings; Need of the House, Challenges and way ahead and Desirability of having uniform Rules of Procedure and Conduct of Business. Twenty three Delegates from various Legislative Bodies participated in the Conference.

• **National Conference of Law Students:** A National Conference of Law Students was held under the auspices of the Indian Parliamentary Group in the Central Hall of Parliament on 25 November 2021. Hon'ble Speaker, Lok Sabha, Shri Om Birla presided over the Conference. The Union Minister of Law and Justice, Shri Kiren Rijju; the Deputy Chairman, Rajya Sabha, Shri Harivansh; the Chairman, Committee on Personnel, Public Grievances, Law and Justice Shri Sushil Kumar Modi; and the Chairman, Standing Committee on External Affairs, Shri P.P. Chaudhary graced the Conference.

Speaking on the occasion, Shri Birla highlighted the constitutional spirit of separation of powers and harmonious working of all organs of the State to ensure citizens welfare. He also emphasized on the duties of Citizens, and said that our Constitution is a unique blend of Rights and Duties.

Dr. Vinay P Sahasrabudde, Member of Rajya Sabha and President of Indian Council of Cultural Relations gave the Welcome Address. Later, a Plenary Session on “Separation of Powers enshrined in the Constitution of India” was conducted by Chairpersons of Standing Committees of External Affairs and Personnel, Public Grievances, Law & Justice.

• **Indian Parliamentary Delegation to 143<sup>rd</sup> IPU Assembly:** During the Session period a six-member Indian Parliamentary Delegation (IPD) led by Shri Bhartruhari Mahtab, MP. Lok Sabha attended the 143<sup>rd</sup> Assembly of the Inter-Parliamentary Union (IPU) held in Madrid, Spain from 26 to 30 November 2021. The Delegation consisted of Dr. Sanjay Jaiswal, Smt. Poonamben Maadam, Shri Vishnu Dayal Ram, Km. Diya Kumari, all Members of Lok Sabha; and Dr. Sasmit Patra Member of Rajya Sabha.

Shri Bhartruhari Mahtab, Leader of the Delegation, addressed the Assembly during the General Debate on the overall theme Contemporary challenges to democracy: Overcoming division and building community. He also addressed the august gathering during the debate on the Emergency Item, namely Harnessing global parliamentary support for vaccine equity in the fight against the COVID-19 pandemic. Members of the Delegation attended the sittings of the Assembly and also participated in the various Meetings, Panel Discussions of IPU Standing Committees and other bodies and workshops organized by the IPU.

On the sidelines of the Assembly, the Seventh BRICS Parliamentary Forum was hosted by the Parliament of India. Shri Bhartruhari Mahtab, MP and Leader of the Delegation Chaired the Forum The Forum deliberated on the overall theme ‘the Role of BRICS Parliaments in ensuring inclusive and equitable post pandemic economic recovery. An Inaugural meeting of the NAM Parliamentary Network was also held on the sidelines of the Assembly, where Dr. Sanjay Jaiswal; Smt. Poonamben Maadam and Dr. Sasmit Patra participated. Dr. Sanjay Jaiswal, MP delivered a Statement on behalf of Indian Delegation. Shri Bhartruhari Mahtab also held a sideline bilateral meeting with H.E. Emmanuel Sinzohagera,

President of the Senate of Burundi and also with Hon. Advocate Jacob Francis Nzwidamlimo Mudenda, Speaker of the National Assembly of Zimbabwe.

• **Celebration of Constitution Day:**

A function was organised in the Central Hall of Parliament House under the auspices of the Indian Parliamentary Group (IPG) to commemorate the '*Samvidhan Divas*', on 26 November 2021. The Hon'ble President of India, Shri Ram Nath Kovind; the Hon'ble Vice President of India, Shri M. Venkaiah Naidu; the Hon'ble Prime Minister of India, Shri Narendra Modi; the Hon'ble Speaker, Lok Sabha, Shri Om Birla and other dignitaries graced the occasion and addressed the distinguished gathering. Members of Parliament, Associate Members of IPG based in Delhi and the Head of Missions based in Delhi also participated in the Function.

On the occasion the Hon President, Shri Kovind released the Digital version of Constituent Assembly Debates; the Digital version of Calligraphic copy of Constitution of India; and the Updated Constitution of

India. The President also inaugurated '*Online Quiz on Constitutional Democracy*'. The Nation/distinguished gathering read the Preamble along with the President.

Addressing the distinguished gathering, the President of India, Shri Ram Nath Kovind said that elected representatives from the Gram Sabha, to the Parliament should have only one priority which is working for the welfare of all the people and the interest of the nation. The Vice-President of India and Chairman, Raja Sabha, Shri M. Venkaiah Naidu in his address, stated that the Constitution is a statement of values, ideas and ideals and underlined that all Indians are part of one community and that all citizens and stakeholders must work with a spirit of commitment and passion for the nation. The Prime Minister, Shri Narendra Modi said that Constitution Day should be celebrated to constantly evaluate our path. In the *Azadi ka Amrit Mahotsav*, it is necessary for us to move forward on the path of duty so that our rights are protected, he added.

The Speaker, Lok Sabha, Shri Om Birla said that the Constitution is the source of the rights of the people of the country, which also gives us a sense of our obligations. He further said that the Constitution is the guiding spirit for fulfillment of the hopes and aspirations of the people.

• **Centennial Celebrations of the Conference of Public Accounts Committee:** A Centennial Year Celebration programme of the Conference of the Public Accounts Committee of the Parliament of India was held on 4 and 5 December 2021. The President of India, Shri Ram Nath Kovind; the Vice-President of India and Chairman, Rajya Sabha, Shri M. Venkaiah Naidu; the Lok Sabha Speaker, Shri Om Birla and Chairperson, Public Accounts Committee of Parliament of India, Shri Adhir Ranjan Chowdhury graced the Inaugural Session and addressed the distinguished gathering in the Central Hall of Parliament House on 4 December 2021. Union Ministers, Members of Parliament, Presiding Officers of State Legislative Bodies, Chairpersons of Public Accounts Committees of States and other dignitaries attended the Inaugural Session. On the occasion, the President of India released the Centennial Souvenir of Public Accounts Committee of Parliament of India. The President of India also inaugurated an Exhibition showcasing the century long journey of the Public Accounts Committee.

Inaugurating the Centennial Celebrations and ensuing Conference, the President of India said that the Parliamentary Committees in general and the Public Accounts Committee in particular ensure administrative accountability of the Executive towards the Legislature. The Vice-President of India, Shri M. Venkaiah Naidu praised the PAC, the oldest and the mother of all the Committees of Parliament for playing a role as ‘permanent vigilance’ over a wide range of governmental activities and the attendant expenditure. The Speaker, Lok Sabha, Shri Om Birla stated that the first and foremost responsibility of democratic institutions is to make the government accountable, responsive and transparent to the people. In this regard, the PAC had been able to make meaningful recommendations to make better use of the financial resources available with the Government. The Chairperson of the Public Accounts Committee, Shri Adhir Ranjan Chowdhury said that the Committee works on non-party lines with a spirit of dedication and service to the country and added that during the hundred years of its existence, the Committee has broken new grounds in many fields and extended the scope of its examination.

During the two days the Conference deliberated on four thematic agenda items: (i) Functioning of PAC in Present Times, Challenges

and the Way Forward: Realigning PAC's Approach: Collecting Information from Non-Governmental Sources; and, Assessing Outcomes of Programmes/Schemes/Projects; (ii) Implementation of Recommendations of PAC: Adherence to Timelines and Mechanism for Strict Compliance; (iii) PAC as a Development Partner : Focusing on Strengthening of Systems and Promoting Good Governance; and (iv) Impact of PAC: Ensuring Citizens 'Right to Due Process and Value for Taxpayers' Money.

On 5 December 2021, the Speaker, Lok Sabha, Shri Om Birla delivered the Valedictory Address and also released the Centennial Monograph on Conferences of Presiding Officers of Legislative Bodies in India (1921-2021). The Deputy Chairman, Rajya Sabha, Shri Harivansh; and Chairperson, Public Accounts Committee of Parliament of India, Shri Adhir Ranjan Chowdhury also addressed the gathering at the Valedictory function.

• **Visit of Parliamentary Delegation from Vietnam:** A Parliamentary Delegation led by the Chairman of the National Assembly of Vietnam, H.E. Mr. Vuong Dinh Hue called on the Speaker, Lok Sabha, Shri Om Birla on 16<sup>th</sup> December, 2021. At the Meeting with the Delegation, Shri Birla said

that Vietnam is an important pillar of India's Act East policy and a key partner for the Indo-Pacific goals. He further said that India wants to further strengthen the India-Vietnam Parliamentary Diplomacy by forming an India Vietnam Friendship Group.

The Minister of External Affairs, Dr. S. Jaishankar, the Minister of Health and Family Welfare and Minister of Chemicals and Fertilizers, Shri Mansukh Mandaviya; the Minister of Environment, Forest and Climate Change and Minister of Labour and Employment Shri Bhupender Yadav and the Minister of Micro, Small and Medium Enterprises, Shri Narayan Rane and several MPs graced the occasion.

On 17<sup>th</sup> December, 2021, the Parliament of India and the National Assembly of Vietnam signed a MoU on cooperation between Libraries & Televisions of two Parliaments in the august presence of Lok Sabha Speaker Shri Om Birla and Chairman of the National Assembly of Vietnam, Mr. Vuong Dinh Hue.

**Capacity Building Programmes and other Measures for Members of Parliament**

• **Mega Health Camp in Parliament House Complex:** A Mega Health Camp was inaugurated by the Speaker, Lok Sabha, Shri Om Birla on 6<sup>th</sup> December, 2021

in the Parliament House Complex. Union Minister of Parliamentary Affairs, Coal and Mines, Shri Pralhad Joshi; Union Minister of Health and Family Welfare and Chemical and Fertilizers, Shri Mansukh Mandaviya; Deputy Chairman, Rajya Sabha, Shri Hariwansh; the Minister of State in Ministry of Parliamentary Affairs and Ministry of Culture, Shri Arjun Ram Meghwal; the Minister of State in Ministry of Health & Family Welfare, Dr. Bharati Pravin Pawar and several Members of Parliament graced the occasion.

The mega health camp was organized for the benefit of the Members of Parliament by the Ministry of Health & Family Welfare. At the Camp a team of specialist Doctors of AIIMS from specific fields was available for consultation on the health issues. The camp continued till 17 December 2021.

• **Briefing Session on Legislative Bills:** Briefing Sessions on important Legislative Business coming up for discussion and debate in the House were organized for the benefit Members of Parliament. During the Winter Session, five such Briefing

Sessions were held. In addition, 17 Legislative Notes/Reference Notes on Ordinances and Bills were prepared by Research and Reference Division for the use of Members and uploaded on the Lok Sabha homepage.

• **Lectures for Hon'ble Members of Parliament:** On 9 December 2021, the Parliamentary Research and Training Institute for Democracies (PRIDE) organised a Lecture on “Best Practices in Water and Energy Conservation Management-the Key to India’s Sustainability and Prosperity for the Hon’ble Members of Parliament. The Lecture was delivered by Shri Chandra Bhushan, CEO, and International Forum for Environment, Sustainability and Technology (iFOREST). The Lecture was conducted in hybrid mode.

Another Lecture on “Sensitization Programme to promote Inclusivity and Accessibility of Divyangians” was organized on 14 December 2021 for the benefit of Hon’ble Members of Parliament. The Programme was conducted in hybrid mode.

A Capsule Course in ‘Cyber Awareness, Cyber Security and Cyber Hygiene’ was also organized for the Members of Parliament, Members of



State Legislature, Officials of Parliament and State Legislature, Indian Embassies and Family Members on 17<sup>th</sup> December, 2021.

• **Launch of ‘Mobile App’ for Members of Parliament:** On the initiative of Lok Sabha Speaker, Shri Om Birla a Mobile App was developed for the use of Members of Parliament. The Mobile App would be accessible on mobile devices like phones and tablets and would allow the MPs to access Parliamentary proceedings, debates, documents, papers etc in one app. For the convenience of MPs, some parliamentary and historical documents had also been uploaded in eBook format.

On 22<sup>nd</sup> December, 2021, the concluding day of the Seventh Session of the Seventeenth Lok Sabha the

Hon’ble Speaker expressed sincere thanks to the Hon’ble Prime Minister, Ministers of Parliamentary Affairs, Leaders of various parties as well as the Hon’ble Members for their co-operation. The Speaker also complimented the Secretary General, the officers and staff of the Lok Sabha Secretariat, the Press and the Media and the allied agencies for their able assistance in conducting the proceedings of the House.

The Seventh Session of the Seventeenth Lok Sabha was adjourned *sine die* on 22<sup>nd</sup> December, 2021 after playing of the National Song. The House was prorogued by the President of India on 24<sup>th</sup> December, 2021.

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## **RESUME OF BUSINESS TRANSACTED DURING THE 8<sup>th</sup> SESSION OF THE 17<sup>th</sup> LOK SABHA**

The Eighth Session of the Seventeenth Lok Sabha, which was also the Budget Session, was held in two parts. The First Part of the Session commenced on 31<sup>st</sup> January, 2022 and adjourned on 11<sup>th</sup> February to enable the Departmentally Related Standing Committees to examine the Demands for Grants of various Ministries/ Departments and to submit their Reports. The Second Part of the Budget Session began on 14<sup>th</sup> March and concluded on 7<sup>th</sup> April, 2022. During the Session, the House held a total of 27 sittings spread over 177 hours and 50 minutes, of which 10 sittings were held in the First Part of the Session and 17 sittings in Second Part. During the Session, the House sat for 40 hours beyond the scheduled time of rising to discuss various important issues and thus was able to record 129 per cent productivity.

Necessary safety and security measures were adopted during the Eighth Session in view of the COVID-19 pandemic. Measures such as COVID-19 testing for Members and all staff/personnel; allotment of seats in both Chambers of Parliament and necessary arrangement for seamless participation during the first part of the Session; Polycarbonate sheets between rows and seats in the Lok Sabha

Chamber; Sensor based Sanitizer Dispensing Machines; use of masks and social distancing; marking of Member's attendance through Mobile Application; etc. were put in place. Keeping in view the Covid situation during the first part of the Session, separate sitting timings were followed with the Lok Sabha sitting from 4 p.m. to 9 p.m except on 31<sup>st</sup> January and 1 February, 2022 on account of the Address by the President to both Houses assembled together and presentation of Budget, respectively. During the second part of the Session, the timing of the House was reverted back to the normal hours *i.e.* from 11 a.m. to 6 p.m.

### **President's Address**

As this was the First Session of the year, the President of India, Shri Ram Nath Kovind, addressed the Members of both Houses of Parliament assembled together in the Central Hall of Parliament House on 31<sup>st</sup> January, 2022 at 11 a.m. Later, the Lok Sabha met at 12:36 p.m. and a copy of the President's Address was laid on the Table of the House. Thereafter, the Hon'ble Speaker Shri. Om Birla made obituary references to the passing away of former Members. Subsequently, the Speaker made an announcement regarding digital circulation of Economic

Survey 2021-22 through Member's Portal He also made an announcement regarding Digital Sansad Appand as per practice, the House was adjourned for the day.

### **Motion of Thanks on President's Address**

The Motion of Thanks to the Presidential Address was moved by Shri Harish Dwivedi on 2<sup>nd</sup> February, 2022 which was seconded by Shri Kamlesh Paswan. The discussion on the Motion was continued on 3,4 and 7<sup>th</sup> February, 2022. As many as 117 Members participated in the discussion that lasted 15 hours and 13 minutes. On 7<sup>th</sup> February, the Prime Minister, Shri Narendra Modi replied to the debate. The Motion of Thanks to the President Address was adopted the same day, after all the amendments moved were put to vote and negatived.

I would now like to briefly dwell on important business and deliberations and main issues raised by Members during the Session. Details thereof can be perused by consulting the Lok Sabha debates.-

• **Short Duration Discussion under Rule 193:** Three Short duration Discussions were held during the Session.

A short duration discussion on 'Climate Change' was raised by Shrimati Karunanidhi on 8<sup>th</sup> December, 2021 in the Seventh Session and remained part discussed. It was resumed in the current session on 31<sup>st</sup> March, 2022 and the discussion was concluded.

On the same day, the Speaker made an observation that on request made by some Members and in view of the importance of the subject, the Calling Attention on the 'Need to promote sports in India and steps taken by the Government in this regard' was converted into Short Duration Discussion under Rule 193 so that more members could participate in the discussion. The discussion was not concluded.

On 5<sup>th</sup> April, 2022, Shri N.K. Premachandran raised a discussion on the situation in Ukraine. The discussion continued on 6<sup>th</sup> April. The Minister of External Affairs, Dr. Subrahmanyam Jaishankar replied to the debate.

- **Questions:** Out of 500 Starred Questions listed during the Session, 182 Starred Questions were orally answered on the floor of the House. The written replies to remaining Starred Questions, along with 5570 Unstarred Questions, were laid on the Table of the House.

- **Half-an-Hour Discussion:** On 11<sup>th</sup> February, 2022, Shri Bhartruhari Mahtab raised a discussion on point arising out of the answer given by the Minister of Rural Development on 8<sup>th</sup> February, 2022 to Starred Question No. 82 regarding 'Beneficiaries under PMAY-G'. Shri Giriraj Singh, Minister of Rural Development replied to the discussion.

- **Matters of Urgent Public Importance:** The Hon'ble members made use of Rule 377 to raise 486 matters, particularly relating to their constituencies. Besides, 696 matters of urgent public importance were raised by members during Zero Hour.

- **Statements made by the Ministers and Papers laid on the Table of the House:** As many as 35 statements were made by the Ministers on various important subjects. During the Session, as many as 2613 papers were laid on the Table by the Ministers concerned.

## **Financial / Legislative Business**

**Financial Business:** On 1 February 2022, the Minister of Finance and Minister of Corporate Affairs, Shrimati Nirmala Sitharaman presented to the House a statement of the estimated receipts and expenditure of the Government of India for the year 2022-2023. The Minister also laid on the Table the following Statements under section 3(1) of the Fiscal Responsibility and Budget Management (FRBM) Act, 2003: (1) Medium-term Fiscal Policy-cum-Fiscal Policy Strategy Statement; and (2) Macro-Economic Framework Statement. Thereafter, she introduced the Finance Bill, 2022 in the House.

- **General Discussion on Union Budget:** The House took up the General Discussion on Union Budget for 2022-2023 on 7 February 2022. The discussion continued on 8, 9 and 10 February 2022 and lasted for 15 hours and 35 minutes. In all, 143 Members took part in the debate.

At the end, the Minister of Finance and Minister of Corporate Affairs, Smt. Nirmala Sitharaman replied to the debate.

• **Discussion of Demands for Grants:**

During the Second Part of the Session, the Demands for Grants in respect of the Ministries were discussed and voted in full:

(i) Ministry of Railways on 15<sup>th</sup> and 16<sup>th</sup> March, 2022; (ii) Ministry of Road Transport and Highways on 16, 21 and 22<sup>nd</sup> March, 2022; (iii) Ministry of Civil Aviation on 22<sup>nd</sup> and 23<sup>rd</sup> March, 2022; (iv) Ministry of Commerce and Industry on 23<sup>rd</sup> and 24<sup>th</sup> March, 2022; and (v) Ministry of Ports, Shipping and Waterways on 24<sup>th</sup> March 2022. Thirteen cut motions were moved in respect of Demand for Grants relating to the Ministry of Road Transport and Highways, twenty eight in respect of Demand for “Grants relating to the Ministry of Civil Aviation. three in respect of Demands for Grants relating to the Ministry of Commerce and Industry and twenty one in respect of Demand for Grants relating to the Ministry of Ports, Shipping and Waterways. All the cut motions were negatived. All other

remaining outstanding Demands for Grants in respect of the Union Budget for the year 2022-2023 were submitted to the vote of the House and voted on 24<sup>th</sup> March, 2022. The related Appropriation Bill was passed the same day.

On 14<sup>th</sup> March, 2022, the Minister of Finance and Minister of Corporate Affairs, Shrimati Nirmala Sitharaman presented to the House (i) estimated receipts and expenditure of the Union Territory of Jammu and Kashmir for the year 2022-23 and (ii) Supplementary Demands for Grants in respect of the Union Territory of Jammu and Kashmir for the year 2021-22.

The Supplementary Demands for Grants-Third and Final Batch for 2021-22 and Demands for Excess Grants for 2018-2019 were also presented by the Minister of Finance on 14<sup>th</sup> March, 2022. All the Demands were discussed and voted in full on the same day.

Rule 205 of the Rules of Procedure and Conduct of Business in Lok Sabha was suspended to enable same day presentation of and discussion on the Demands for Grants of Union Territory of Jammu and Kashmir for 2022-23.

• **Appropriation and Finance Bills:**

The relevant Appropriation Bills were passed on 24<sup>th</sup> March, 2022. Later, on 25<sup>th</sup> March, 2022, the Finance Bill, 2022 was passed by the Lok Sabha.

The Rajya Sabha also returned all the Appropriation Bills and the Finance Bill, 2022 on 30<sup>th</sup> March, 2022. As such, the entire Financial Business was completed before 31<sup>st</sup> March 2021.

**Legislative Business:**

• **Government Bills:** During the Session, 12 Government Bills were introduced and , 13 Bills were passed, Some of the important Bills passed were: The Finance Bill, 2022; The Delhi Municipal Corporation (Amendment) Bill, 2022; The Criminal Procedure (Identification) Bill, 2022; The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022.

• **Legislative Business (Private Member):** As many as 154 Bills on different subjects were introduced by Private Members during the Session. On 1<sup>st</sup> April further discussion on the

motion for consideration of the Compulsory Voting Bill, 2019, moved by Shri Janardan Singh Sigriwal on 12<sup>th</sup> July, 2019 in the First Session, continued. However, the discussion on the Bill was not concluded.

• **Private Members' Resolution:** As regards Private Members' Resolutions, the Resolution regarding welfare measures for Anganwadi workers and Anganwadi helpers, moved by Shri Ritesh Pandey on 20<sup>th</sup> March, 2020 during the Third Session, was further discussed on 11<sup>th</sup> February, 2022. However, the discussion on the Resolution remained inconclusive.

• **Committee e-Reports:** During the Session, sixty two reports of Parliamentary Standing Committees were presented to the House. All these reports are available on Lok Sabha homepage ([www.loksabha.nic.in](http://www.loksabha.nic.in)).

• **Obituary References:** During the Session, Obituary References were made to the passing away of fifteen former members of Lok Sabha, viz. Sarvashri P.T. Thomas, Rajveer Singh,

Tilak Raj Singh, A.G.S. Ram Babu, Ganga Ram Koli, D.N. Patodia, Brijraj Singh Kotah, Gajanan D. Babar, C. Janga Reddy, S. Singaravadiel, H.B. Patil, Hemanand Biswal, Smt. Shakuntala Devi, Dr. G. S. Rajhans and Dr. Mahendra Prasad .

References were also made to the passing away of legendary singer Lata Mangeshkar, Bharat Ratna Awardee and former Rajya Sabha Member; Pandit Birju Maharaj, renowned Kathak dancer of the Lucknow Gharana; Archbishop Emeritus Desmond Mpilo Tutu, a global leader and human right activist and Nobel Peace Prize Awardee; and H.E. Mr. David Sassoli, the then President of the European Parliament. Members stood in silence for a short while as a mark of respect to the memory of the departed.

•**Other References:** The Speaker, on behalf of the House, congratulated India Under-19 Cricket Team for winning ICC Under-19 Cricket World Cup on 8 February 2022. The Speaker, on behalf of the House, paid homage

to the revolutionary freedom fighters, Bhagat Singh, Sukhdev and Rajguru and other freedom fighters on the occasion of Martyrs' Day on 23<sup>rd</sup> March.

**Resignation from the membership of Lok Sabha:** The Speaker informed the House of the receipt of resignation letters and acceptance of the same in respect of the following members: (i) Shri Bhagwant Mann, Sangrur Parliamentary Constituency of Punjab (14<sup>th</sup> March, 2022); (ii) Shri Akhilesh Yadav, Azarngarh Parliamentary Constituency of Uttar Pradesh (22<sup>nd</sup> March, 2022); and (iii) Shri Mohammad Azam Khan, Rampur Parliamentary Constituency of Uttar Pradesh (22<sup>nd</sup> March, 2022).

• **Parliamentary Delegation:** A Parliamentary Delegation from Austria led by H.E. Mr. Wolfgang Sobotka, President of the National Council of Austria and H.E. Ms. Christine Schwarz-Fuchs, President of the Federal Council of Austria graced the Special Box of Lok Sabha on 14<sup>th</sup> March, 2022. Welcoming the distinguished

guests, the Hon'ble Speaker extended the greetings of the House to the National Council of Austria, the Federal Council, the Government and the friendly people of Austria and wished them a pleasant and successful stay.

• **Extension of time to Joint Committee on the Biological Diversity (Amendment) Bill:** You may recall that the Joint Committee on the Biological Diversity (Amendment) Bill was constituted in Lok Sabha in December 2019 and was expected to submit its report in the Budget Session. On 14<sup>th</sup> March, 2022, Shri Brijendra Singh moved a motion seeking extension of time up to 3<sup>rd</sup> June, 2022 for the panel to submit the report. The motion was adopted.

#### **Parliamentary Events and Activities**

• Capacity Building Programmes for Members of Parliament and State Legislatures

• **Briefing Session on Legislative Bills:** As you are aware, Briefing Sessions on important Legislative

Business coming up for discussion and debate in the House are organized for the benefit Members of Parliament. During the Budget Session, six Briefing Sessions were organized on the Union Budget and Legislative Bills. In addition, Legislative Notes/reference notes on Ordinances and Bills were prepared by Research and Reference Division for the use of Members and uploaded on the Lok Sabha homepage.

• **Lectures Series on Union Budget:** The Parliamentary Research & Training Institute for Democracies (PRIDE) organized a series of Lectures on Union Budget and various Sectors of Economy for the benefit of Members on 1. 3, 4, 7, 8, 11 and 15<sup>th</sup> February, 2022. Besides, Lectures were also organized on the subjects: (i) Understanding Crypto currency and Its Impacts on Indian Economy on 2<sup>nd</sup> February, 2022; (ii) Social Enterprise and the Role of Government on 17<sup>th</sup> March, 2022; (iii) Reform in Criminal Law- the Need and Way Forward on 28<sup>th</sup> March, 2022; (iv) Sugarcane



Production, Sugarcane Pricing and Policy and Advantages of Ethanol Production for Sugarcane Farmers on 31 March 2022. Domain Experts on the subject briefed the members.

• **Online Training Programme and Workshop:** An online Training Programme on Magzter, a Cross-Platform Digital Newsstand which has been newly added in the Parliament Library, was organized for Hon'ble Members of Parliament on 4 February 2022. Later, a Workshop on Digital Sansad App and Magzter was organised for the Hon'ble Members of Parliament on 31 March 2022.

• **Presentation by Padma Awardees for the benefit of Hon'ble Members of Parliament:** A three-day dialogue programme "*Presentation by Padma Awardees for the benefit of Hon'ble Members of Parliament*" was inaugurated by Hon'ble Speaker, Lok Sabha on 23 March 2022 in the Parliament House Complex. Speaking on the occasion, Shri Birla said that people's representatives and the Padma Awardees work for the upliftment of deprived and marginalized sections of society and with the aim to bring positive changes in their lives. He further said that sharing of experiences

by Padma Awardees will immensely help parliamentarians adopting and propagating some of the innovative practices. On the occasion, Shri Birla felicitated the Padma awardees and released a booklet "*Sarvasrestha Pahal*".

• **The Third Edition of National Youth Parliament Festival (NYPF) in the Central Hall of Parliament House:** On 11 March 2022, the Hon'ble Speaker, Lok Sabha, Shri Om Birla addressed the participants at the Valedictory Session of the third edition of National Youth Parliament Festival (NYPF) in the Central Hall of Parliament House. The event, organized by the Ministry of Youth Affairs and Sports and Parliamentary Research and Training Institute for Democracies (PRIDE), Lok Sabha Secretariat, was inaugurated on 10 March 2022 in Central Hall of Parliament House.

• **Orientation Programme for the Members of Maharashtra Legislature:** A two-day Orientation Programme for the Members of Maharashtra Legislative Assembly and Maharashtra Legislative Council was organized under the aegis of PRIDE, Lok Sabha Secretariat in the Parliament House

Complex on 5 April 2022. Hon'ble Speaker, Lok Sabha, Shri Om Birla inaugurated the programme. Addressing the legislators, Shri Birla said that the dignity of representative institutions depends on the conduct and behaviour of the public representatives and that disorderly conduct lowers the dignity of legislatures in citizens' esteem. He urged the legislators to uphold the prestige and dignity of these institutions.

#### **Parliamentary Outreach:**

##### **• Visit of Indian Parliamentary Delegation to United Arab Emirates:**

An Indian Parliamentary Delegation led by Hon'ble Speaker, Lok Sabha, Shri Om Birla visited United Arab Emirates from 20 to 25 February 2022. It was the first ever visit under the bilateral exchange of Parliamentary Delegations from either side. On 21 February 2022, Hon'ble Speaker, Shri Om Birla met Speaker of the Federal National Council, H.E. Mr. Saqr Gobash. On 22 February 2022, Hon'ble Speaker, Lok Sabha addressed the Members of the Federal National Council (FNC) of the United Arab Emirates in an extraordinary session of the Council. Speaking on the occasion, Shri Om Birla said that India had always opposed terrorism in all its forms. He commended the prompt assistance

provided by the UAE leadership to the families of the two Indians killed in the recent terrorist attack. He also emphasized on the need for unity among nations in the fight against terrorism. Shri Birla and the Indian Parliamentary Delegation also called on HH Sheikh Mohamed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi.

##### **• Indian Parliamentary Delegation to the 144<sup>th</sup> IPU Assembly:**

An Indian Parliamentary Delegation participated in the 144<sup>th</sup> Assembly of the IPU held in Nusa Dua (Bali), Indonesia from 20 to 24 March 2022. The Delegation led by Shri Bhartruhari Mahtab, MP, Lok Sabha . consisted of Smt. Poonamben Maadam, MP, Lok Sabha; Shri Vishnu Dayal Ram, MP, Lok Sabha; Smt. Raksha Nikhil Khadse, MP, Lok Sabha; Dr. Heena Vijaykumar Gavit, MP, Lok Sabha; and Shri Syed Zafar Islam, MP, Rajya Sabha. The Leader of the Delegation, Shri Bhartruhari Mahtab, MP participated in the General Debate on the overall theme "*Getting to zero: Mobilizing parliaments to act on climate change*". The Delegation attended the sessions of other IPU bodies viz, the IPU Governing Council, the Bureaux and Board Meetings of IPU Committees, and Forums and Plenary Sessions of the four Standing Committees of IPU, Forum of Women Parliamentarians,

Forum of Young Parliamentarians, and Working Group on Science and Technology. Further, on the sideline of the Assembly, Members of the Delegation also participated in the (i) Meeting of the Asia Pacific Geopolitical Group; and (ii) Asian Parliamentary Assembly (APA) Coordinating Meeting. During the Assembly, members of the Delegation met H.E. Duarte Pacheco, President, IPU and held bilateral meetings with the Parliamentary Delegation from Bahrain and Germany.

The Eighth Session of the Seventeenth Lok Sabha was adjourned *sine die* on 7 April 2022 after playing of the National Song. The House was prorogued by the President of India on 8 April 2022.

• **Eighth Common wealth Parliamentary Association (India Region) Conference at Assam Legislative Assembly, Guwahati:** Immediately, after the Session, the Eighth Commonwealth Parliamentary Association (India Region) Conference was held at the Assam Legislative Assembly, Guwahati from 9 April to 12 April 2022.

The Conference was inaugurated by Hon'ble Speaker, Lok Sabha, Shri Om Birla on 11 April 2022, Assam Chief Minister, Shri Himanta Biswa Sarma;

Deputy Chairman, Rajya Sabha, Shri Harivansh; Speaker of Assam Legislative Assembly, Shri Biswajit Daimary; CPA Acting Chairperson, Mr. Ian Liddell-Grainger; Presiding Officers of State Legislatures and other dignitaries graced the occasion. Inaugurating the Conference, Shri Birla said that the primary responsibility of the Legislature is to fulfill the hopes and aspirations of the people. He also called for active participation of the youth and women in democratic processes, from Panchayat to Parliament. The theme of the Conference was *Strengthening Legislative Oversight to help Optimize Development Outcome for the Aspirational Sections of Society*. During the Conference, the delegates deliberated on the following two subjects; i) *Mainstreaming Youth Centric Policies*; and (ii) *Harnessing Youth Energies for National Development and the Common Good*.

Earlier, on 9 April 2022, Hon'ble Speaker, Shri Birla inaugurated the mid-year CPA Executive Committee Meeting. Fifty three delegates from Commonwealth countries participated in the meeting physically and digitally. Speaking on the occasion, Shri Birla said that Indian democracy is not only ancient but strong, mature and vibrant.

Democracy is in our ethos and actions and is a way of life. Mentioning about *Azadi Ka Amrit Mahotsava*, he said that during these 75 years of our Independence, our democracy has consistently gone from strength to strength. Acting Chairperson of CPA, Mr. Ian Liddell-Grainger, MP, UK enumerated several path breaking initiatives of CPA and hoped that the deliberations of the mid-year Commonwealth Parliamentary Association Executive Committee in Guwahati would go a long way in shaping strategies for global issues. Hon'ble Speaker of Assam Legislative Assembly, Shri Biswajit Daimary, proposed a Vote of Thanks.

**•National Environment Youth Parliament at Parliament Complex:**

On 16 April 2022, Lok Sabha Speaker, Shri Om Birla addressed the participants of the National Environment Youth Parliament in a programme organized by PRIDE, Lok Sabha Secretariat in the Parliament House Complex. Speaking on the occasion, Shri Birla said that as India is celebrating *Azadi Ka Amrit Mahotsav*, the youth should understand their responsibilities with regard to protection of climate.

**•Visit of Indian Parliamentary Delegation to Vietnam, Cambodia and Singapore:** An Indian Parliamentary Delegation led by Hon'ble Speaker, Lok Sabha, Shri Om

Birla visited Vietnam, Cambodia and Singapore from 19 to 21 April, 22 to 24 April and 24 to 26 April 2022, respectively. During the Vietnam visit, apart from holding bilateral talks with Chairman of the National Assembly, the Delegation also called on H.E. Mr. Nguyen Xuan Phuc, President of Vietnam; H.E. Mr. Pham Minh Chinh, Prime Minister of Vietnam; and H.E. Mr. Nguyen Phu Trong, General Secretary, Communist Party of Vietnam. During their stay in Vietnam, the Delegation also engaged with the members of Indian community in both Hanoi and Ho Chi Minh City.

In Cambodia, Hon'ble Speaker held delegation level talks with his host H.E. Mr. Heng Samrin, President of National Assembly. The Delegation also met H.E. Mr. Say Chhum, President of the Senate of Cambodia and had royal audience with His Majesty Preah Bat Samdech Preah Boromneath Norodom Sihamoni, King of Cambodia. This was the first ever visit to Cambodia by an Indian Parliamentary Delegation under the bilateral exchange. Cambodia invited an Indian Parliamentary Delegation as an Observer to attend the 43rd ASEAN Inter-Parliamentary Assembly (AIPA) in Cambodia in November 2022.

On 24 April 2022, Hon'ble Speaker addressed Indian community and friends of India in Singapore. Speaking on this occasion, he said that in the 75 years of India's independence, the country has undergone extensive political, social and economic transformation. India's democracy and its democratic institutions have set a perfect example of inclusive growth before the whole world. On 25 April 2022, Indian Parliamentary Delegation led by Hon'ble Speaker held a bilateral meeting with H.E. Mr. Tan Chuan-Jin, Speaker of the Parliament of Singapore. On this occasion, Hon'ble Speaker expressed his view that both India and Singapore believe in democratic governance and regular dialogues between the parliamentarians of democratic countries are helpful in strengthening democracy and effective functioning of democratic institutions. On 26 April 2022, Indian Parliamentary Delegation led by Hon'ble Speaker held a bilateral meeting with Emeritus Senior Minister of Singapore Mr. Goh Chok Tong. Speaking on the occasion, he underlined the age-old friendly relations between India and Singapore and said that the relations between the two countries are getting strengthened consistently on the foundation of strong people-to-people contacts and mutual interests.

**•Eighteenth Commonwealth Parliamentary Association India Region**

**(Zone III) Conference:** The eighteenth Commonwealth Parliamentary Association India Region Zone - III Conference was held at Arunachal Pradesh Legislative Assembly, Itanagar from 11 to 14 May 2022. Delegates from eight State CPA Branches from Zone - III (North-Eastern Region) attended the Conference. The two subjects: *(i) Challenges of NE Region and way forward; and (ii) Preservation of ethnic culture for future generation and role of law makers* were deliberated during the Conference. Lok Sabha Speaker, Shri Om Birla inaugurated the Conference on 12 May 2022. Shri Harivansh, Deputy Chairman, Rajya Sabha; Shri Pasang Dorjee Sona, Speaker of Arunachal Pradesh Legislative Assembly; Shri Pema Khandu, Chief Minister of Arunachal Pradesh and other dignitaries graced the event. Inaugurating the Conference, Shri Birla said that the biggest challenge before

us is to create such social, political, economic and legal conditions that enable every section of our society to participate in the governance process to its fullest potential. He said that North-East region has immense potentialities and strengths that can be converted into opportunities. The biggest

challenge is to effectively utilize the potential of the human resource for the development of the region. On the occasion, Shri Birla inaugurated the state of the art Museum of the Arunachal Pradesh Legislative Assembly.

*www.birla.com*

## **RESUME OF BUSINESS TRANSACTED DURING THE 13<sup>th</sup> SESSION OF THE 13<sup>th</sup> HIMACHAL PRADESH LEGISLATIVE ASSEMBLY**

I take this opportunity to apprise you briefly about the business transacted during the 13<sup>th</sup> Session of the Himachal Pradesh Legislative Assembly which commenced on the 10<sup>th</sup> December, 2021 at Vidhan Sabha Bhawan, Tapovan, Dharamshala. The House had total 5 sittings continued for 28.00 hours and transacted Legislative and other Business. This happened to be the highest time spend on legislative and other business in comparison to previous winter sessions and productivity was above 110 percent.

On the 10<sup>th</sup> December, 2021, the opening day of the session commenced at 11.00 A.M., the house paid tribute to late Sh. Bodh Raj, Sh. G.S. Bali and Dr. Shiv Kumar, Member of Himachal Pradesh Legislative Assembly. The Hon'ble Chief Minister, Ministers, the Leader of Opposition and Members including the Hon'ble Speaker, made obituary references to the departed souls. The House also paid obituary reference to departed souls of CDS Sh. Bipin Rawat and other Military Personnels who lost their lives in Military Helicopter crash. After the Obituary references the questions which were fixed for the day were deemed to be laid on the table of the House. The Secretary, H.P. Vidhan Sabha laid on the table of the House a copy of the

Bill passed during the Twelfth Session and assented by His Excellency the Governor of Himachal Pradesh.

The Question Hour remained lively throughout the session. In all 388 notices of Starred Questions were received, out of which 281 notices were admitted for oral answer. Similarly, 188 notices for Un-Starred Questions were received, out of which 138 notices were admitted for written answer.

Five notices of Calling Attention to the matters of urgent public importance under Rule-62 & one notice of short duration discussion under Rule-61 were admitted and discussed and twenty four notices under Rule-130 were received out of these 07 notices were discussed and replied by the concerned Ministers. Three Private Member's Resolutions under Rule-101 were listed, out of these one resolution was moved in the House which will also be taken-up for discussion during the next session. Second and third resolutions which were not moved in the house were treated as lapsed. One resolution which was moved in the previous session was also discussed and replied by the concerned Minister. The Government also apprised the House of the latest position of thirteen issues of special mention under Rule-324.

During the Session, 35 documents relating to Annual Administrative Reports, Annual Accounts/Audited Reports of various Autonomous Bodies/Corporations of the State Government and the Recruitment & Promotion Rules of various Departments/Corporations including the Reports of the Comptroller and Auditor General of India for the year 2019-2020 (Civil/Revenue/Financial/ Appropriation Accounts) were laid on the table of the House. 22 reports of the various House Committees were presented and laid on the Table of the House.

In the sphere of Legislative Business, the following Bills were introduced, considered and passed by the House:-

**1. The Himachal Pradesh Lokayukta (Amendment) Bill, 2021 (Bill No.8 of 2021);**

**2. The Himachal Pradesh Technical University (Amendment) Bill, 2021(Bill No.9 of 2021);**

**3. The Himachal Pradesh Abadi Deh (Record of Rights), Bill, 2021 (Bill No.10 of 2021);**

**4. The Sardar Patel University Mandi, Himachal Pradesh (Establishment and Regulation), Bill, 2021 (Bill No.11 of 2021); and**

## **5. The Himachal Pradesh University (Amendment) (Bill No. 12 of 2021)**

On the concluding day of the Thirteenth Session, delivering the Valedictory address, the Hon'ble Speaker, Sh. Vipin Singh Parmar, interalia observed during the session, fruitful discussion on important issues of public interest took places through the available procedural devices like Questions, Notices and Resolutions. Members have given constructive suggestions in the large public interest of the State during their discussion.

The Session has been proved productive and satisfying in many ways and before adjourning the House sine-die, the Hon'ble Speaker expressed his thanks to the Leader of the House, Leader of Opposition, Parliamentary Affairs Minister and all members for their cooperation in the smooth conduct of the Business of the House.

The House was adjourned sine-die by the Hon'ble Speaker on 15<sup>th</sup> December, 2021 after the playing of the National Song, and prorogued by the Hon'ble Governor of Himachal Pradesh on the 16<sup>th</sup> December, 2021.

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## **RESUME OF BUSINESS TRANSACTED DURING THE 14<sup>th</sup> SESSION OF THE 13<sup>th</sup> HIMACHAL PRADESH LEGISLATIVE ASSEMBLY**

I take this opportunity to apprise you briefly about the business transacted during the 14<sup>th</sup> Session of the Himachal Pradesh Legislative Assembly which commenced on the 23<sup>rd</sup> February, 2022. The Session commenced with established convention of playing of the National Anthem. It was the Fourteenth Session of the Thirteenth Himachal Pradesh Vidhan Sabha. This being the Budget Session, major business before the House was presentation, consideration and passing of the Supplementary Budget for the year 2021-2022 and the Budget Estimates for the financial year 2022-2023. The House has total 15 sittings continued for 76:00 hours and transacted Legislative and other business in comparison to previous winter sessions productivity was above 101 percent. The Session ended with a happy note as maximum time of it was devoted to fruitful discussions both by the Treasury and Opposition benches.

On the opening day, this being the first sitting of the year, Shri Rajendra Vishwanath Arlekar, the Hon'ble Governor of Himachal Pradesh addressed the House on 23<sup>rd</sup> February, 2022 at 11.00 AM. During the Governor Address all the Congress legislators stood up and started raising slogans and finally staged a walkout. The Hon'ble Governor continued his address.

On 24<sup>th</sup> February, 2022 the House paid tributes to late Shri Kashmiri Lal Joshi and Shri Chaman Lal former Members of Himachal Pradesh Legislative Assembly. The Hon'ble Chief Minister, Leader of Opposition and other Members including the Hon'ble Speaker, also made obituary references in honour of the departed souls.

Shri Jai Ram Thakur, Hon'ble Chief Minister presented the Budget Digitally with fifth State Budget Estimates for the financial year 2022-2023 on 4<sup>th</sup> March, 2022. The general discussion on Budget was held for 4 days. In all, 34 Members participated in the debate which was replied by the Hon'ble Chief Minister in detail on 11<sup>th</sup> March, 2022.

The discussion and voting on Demands were held for three days and the Budget Estimates for the financial year 2022-2023 were passed on 15<sup>th</sup> March, 2022. Two appropriation Bills were introduced, considered and passed.

The Question Hour, as usual, remained lively throughout the Session. During the Session, the Government provided answers to 617 notices of Starred Questions and 362 notices of UnStarred Questions. The Government

also apprised the House of the latest position of 13 matters of special mention raised by Members under Rule-324. Four Private Members' resolutions were discussed and two were withdrawn by the concerned Members, one resolution of previous Session was discussed and replied by the concerned Minister and one resolution which was moved in the House will be taken-up for reply during the next Session.

During the Session, the documents relating to Annual Administrative Reports, Select Committee Report, Annual Accounts/Audit Reports etc. of various Autonomous Bodies/Corporations of the State Government, Recruitment & Promotion Rules of various Departments and the Report of the Comptroller and Auditor General of India for the year ended March 31<sup>st</sup>, 2020 (Social/ General and Economic Areas) were laid on the table of the House. 54 Reports of the House Committees were also presented and laid on the Table of the House.

The Secretary, H.P. Legislative Assembly laid on the table of the House a copy each of the Bills passed during the Thirteenth Session of the Thirteenth Vidhan Sabha and assented by the Hon'ble Governor of Himachal Pradesh.

As far Legislative Business is concerned, the House considered **The Himachal Pradesh Ceiling on Land Holdings(Amendment) Bill, 2021 (Bill No.6 of 2022** which was introduced during the last Session also passed by the House as reported by the Select Committee.

In the sphere of Legislative Business, the following Bills were introduced, considered and passed by the Legislative Assembly:-

**1. The Himachal Pradesh Appropriation Bill, 2022 (Bill No. 1 of 2022);**

**2. The Himachal Pradesh Municipal Corporation (Amendment) Bill, 2022 (Bill No. 2 of 2022);**

**3. The Himachal Pradesh Land Revenue (Amendment) Bill, 2022 (Bill No. 3 of 2022);**

**4. The Himachal Pradesh Appropriation (No.2) Bill, 2022 (Bill No. 4 of 2022); and**

**5. The Himachal Pradesh Slum Dwellers (Proprietary Rights) Bill, 2022 (Bill No. 5 of 2022)**

In order to keep the House informed, the Hon'ble Chief Minister and other Ministers made *Suo Moto* statements on various important issues

including Ukraine crisis daily update in the House during the Session. The Opposition also staged walkout on various issues.

Before announcing the adjournment of the House, the Hon'ble Speaker, expressed his thanks to the Hon'ble Chief Minister, Leader of Opposition, Parliamentary Affairs

Minister and Members for their co-operation in the smooth conduct of the Business of the House.

The House was adjourned sine-die by the Hon'ble Speaker, Shri Vipin Singh Parmar on 15<sup>th</sup> March, 2022 and prorogued by His Excellency, the Governor of Himachal Pradesh on the same day.

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## RESUME OF BUSINESS TRANSACTED DURING THE 1<sup>ST</sup> SESSION OF MAHARASHTRA LEGISLATIVE ASSEMBLY

I take this opportunity to apprise you briefly about important procedural development and legislature business transacted during the **First session, which was also the Budget session of the Maharashtra Legislative Assembly.** The first Session commenced on the 3 March, 2022 and was adjourned on 25 March, 2022 at Vidhan Bhavan, Mumbai. The first session met for Fifteen days and transacted the business for a period of approximately 107 hrs and 38 minutes.

In preparations for holding the First Session, in view of the continuing prevalence of the COVID-19 Pandemic, necessary safety and security measures adopted during the last Session had to be continued. It includes measures like COVID-19 testing arrangement for Members, Officers and Employees of the Secretariat and personal of allied agencies and Government officials attending Vidhan Bhavan premises for the session related work.

Members attending the first session were required to submit to the Secretariat an official laboratory report RTPCR immediately before the start session. It was decided that Personal Assistant to MLAs/MLCs would not be permitted to enter the Vidhan Bhavan building alongwith the members during the session period.

Only one Private Secretary / Personal Assistant along with Hon'ble Minister will be allowed to enter the Vidhan Bhavan building.

### **BRIEF REPORT OF THE FIRST SESSION:-**

The Assembly commenced its sitting with the singing of “**Vande Mataram**”

### **GOVERNOR'S ADDRESS:-**

This being the First session of the year, the Governor of Maharashtra Shri Bhagat Singh Koshiyari, addressed members of both the Houses of Maharashtra Legislature assembly together in Central Hall on the 3<sup>rd</sup> March 2022, at 11 AM.

After the Governor's Address, the Assembly met in its chamber and commenced its sitting with the singing of National song “Vande Mataram”. A copy of the Governor's Address was laid on the Table of the House. The Motion of Thanks on the Address of Honble Governor was moved by Shri Sunil Prabhu and seconded by Shri Anil Patil and Shri Amit Zanak.

The discussion on Motion of Thanks to the Governor's Address was held on 4<sup>th</sup> and 7<sup>th</sup> March 2022. The Motions of Thanks to the Governor for his Address was adopted.

## OBITUARY REFERENCE

Condolence Motion was passed during the First (Budget) session of Maharashtra Legislative Assembly in the year 2022 on Thursday, 3<sup>rd</sup> March, 2022 for the sad demise of Bharat Ratna Swarsamradni Lata Dinanath Mangeshkar, Industrialist Rahul Kamalnayan Bajaj, Shri. Narayan Dyandey Patil, Ex-MLA and Former Minister. Sarvashri Gajanan Dharamshi Babar, Vishwasrao Atmaram Patil. Narendrasingh Bhagatsingh Padavi, all Ex. M.L.A. and Smt. Aashatai Marotiappa Tale, Ex-M.L.A. After the Hon'ble Deputy Speaker expressed his feelings, Members stood in silence for a short while as a mark respect to the memory of the departed.

Condolence Motion was passed during the First (Budget) session of Maharashtra Legislative Assembly in the year 2022 on Monday, 21 March, 2022 for the sad demise of Shri Shankarrao Genuji Kolhe. Ex. M.LA and Ex. Minister. After the Hon'ble Deputy Speaker expressed his feelings, all the Hon'ble Members stood in silence for a short while as a mark of respect to the memory of the departed.

After the Hon'ble Speaker expressing his feelings, all the Hon'ble Members rose to their feet and maintained silence for a few minutes in order to pay homage to the memories of late dignitaries

## FINANCIAL BUSINESS :-

Hon'ble Deputy Chief Minister cum Finance Minister presented the Supplementary Demands for the year 2021-2022 on 3<sup>rd</sup> March, 2022.

Discussion and voting on Supplementary Demands of 6 departments was held on 7<sup>th</sup> March, 2022 & 8<sup>th</sup> March, 2022 (Two days) Total 38 Demands for grants of Supplementary Demands were passed by the House. Total 159 Cut-motion were received on supplementary Demands. Out of these 112 Cut-motion were admitted and 47 are disallowed. No Cut-motion was moved in the House.

LA Bill No VII-The Maharashtra (Supplementary) Appropriation Bill, 2022 was passed by the Legislative Assembly on the 8<sup>th</sup> March, 2022. 16 points were raised to take part in discussion on Appropriation Bill, out of this 15 points were allowed to be moved and 1 points were disallowed.

A publication which bring out "Economic Survey of Maharashtra" for the year 2021-2022 was presented to the House on 10<sup>th</sup> March, 2022.

Deputy Chief Minister Cum Finance Minister Presented budget for the year 2022 -2023 to the House on the 11<sup>th</sup> March, 2022 at 2:00 p.m.

Hon'ble Deputy Chief Minister Cum Finance Minister moved the motion on 14 March, 2022 under Rule 57 of Maharashtra Legislative Assembly Rules, to suspend the provision of seven day's notice required for the General Discussion to be held on Budget under Rule 246(1). The motion was carried and the General discussion on Budget was held on 14 & 15 March, 2022. On 16 March, 2022 Hon'ble Deputy Chief Minister Cum Finance Minister replied on General discussion.

Hon'ble Deputy Chief Minister Cum Finance Minister moved the motions on 16<sup>th</sup> March 2022 under Rule 57 of Maharashtra Legislative Assembly Rules, to suspend the ten day's notice required for the Discussion and voting on demands for grants under rule 251(i). The motion was carried and discussion and voting on demands for grants on the Budget was held on 16<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> March 2022. Total 979 Cut-motions were received on budgetary demands. Out of these 839 Cut-motion were admitted and 140 were disallowed.

LA Bill No. XII of 2022. The Maharashtra Appropriation Bill, 2022 was passed by the Legislative Assembly on the 23 March, 2022. 48 points were raised to take part in discussion on Appropriation Bill, out of this 44 points were allowed to be moved and 4 points were disallowed.

Gender Budget Statement and Child Budget Statement for the year 2022-2023 was presented to the House on 25<sup>th</sup> March, 2022.

#### **LEGISLATIVE BUSINESS:-**

02 (Two) Ordinances were promulgated during the inter-session period and those were laid on the table of the House on the First day of the session i.e. on the 03 March 2022.

#### **(A) Following Bills were considered and passed by the House:-**

1. L. A Bill No. LII of 2020 - The Maharashtra Exclusive Special Courts (for certain offences against Women and Children under SHAKTI Law) Bill, 2020.

2. L.A. Bill No. I of 2022 - The Maharashtra Shops and Establishments (Regulations of Employment and Conditions of Service) (Amendment) Bill 2022

3. L.A. Bill No. III of 2022 - The Mumbai Municipal Corporation, Maharashtra education and Employment Guarantee (Cess) and Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Bill, 2022.

4. L.A. Bill No. IV of 2022 - The Mumbai Municipal Corporation (Amendment) Bill. 2022.

5. L.A. Bill No. V of 2022 - The Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Bill, 2022

6. L.A. Bill No VI of 2022 - The Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Bill 2022.

7. L.A. Bill No. VII of 2022 - the Maharashtra (Supplementary) Appropriation Bill, 2022.

8. L.A. Bill No. IX of 2022 - The Maharashtra Settlement of Arrears of Tax, Interest Penalty or Late Fee Bill, 2022.

9. L.A. Bill No X of 2022 - The Maharashtra Public Universities (Amendment) Bill 2022.

10. L.A. Bill No XI of 2022 - The Maharashtra Stamp (Amendment) Bill 2022.

11. L.A. Bill No. XII of 2022 - The Maharashtra Appropriations Bill 2022.

12. L.A. Bill No. XIII of 2022 - The Maharashtra Local Authorities (Official Languages) Bill 2022.

13. L.A. Bill No XIV of 2022 - The Maharashtra Education Institutions (Regulation of Fee) (Amendment) Bill 2022.

14. L.A. Bill No. XV of 2022 - The Maharashtra COEP Technological University Bill 2022.

15. L.C. Bill No. I of 2022 - NICMAR University, Pune Bill, 2022.

16. L.C. Bill No. III of 2022 - Dr. P.A. INAMDAR University, Pune Bill, 2022

**(B) Following bill Returned by the Hon. Governor under Article 200 for Reconsideration and again passed by the House without Amendment:-**

L. A. Bill No. XXXIX of 2021- The Maharashtra Co-operative Societies (Third Amendment) Bill 2021.

**CALLING ATTENTION NOTICES, PRIVATE MEMBER'S RESOLUTIONS, ADJOURNMENT MOTIONS, LAST WEEK MOTION AND STATEMENT BY MINISTER**

1. During the first Session 2022. 1783 notices of calling Attention on matters of urgent public important were received out of which 282 notices were admitted of which 88 notice were orally answered on the House and remaining 194 notices were laid on the table of the House on last day of the session.

2. 364 notices of Private Member's Resolutions were received and 296 notices were admitted.

3. 73 Adjournment motion notices were received during the session and 73 notices were disallowed, 02 statement was made by the Minister.

4. One notice of Last Week Motion were received which is admitted.

5. 3 notices of Rule 293 Motion were received and 3 notices were admitted and 03 notices were discussed in the floor of the House during the session.

6. 6 Statements were made by the Ministers under Rule 47 of the Maharashtra Legislative Assembly Rules.

7. 188 Notices of Half-an-hour discussion were received out of which 32 notices were admitted and 6 notices were discussed on the floor of the House during the session

#### **QUESTIONS:-**

##### **(A) Starred Questions**

In this session, 6698 notices of Starred Questions were received; out of which 5523 questions were admitted and 64 questions were orally answered in the House

##### **(B) Unstarred Questions**

125 Notices of unstarred Questions were received during this session were which 56 Unstarred Questions were admitted. Replies to the 750 Questions previously admitted as Unstarred were laid on the table of the House in the form of printing lists of 50 each

##### **(C) Short Notice Questions**

3 Notice of Short Notice Question was received during the session. 1 notice was discussed on the floor of the House during the session and 2 notices were disallowed.

#### **HALF-AN-HOUR DISCUSSION:-**

##### **Arising Out of Questions:-**

73 notices of Half-an-hour discussion were received out of which 63 notices were admitted and none of notices were discussed on the floor of the House during the session.

#### **PRIVILEGE**

- During the period from 3<sup>rd</sup> March, 2022 to 25 March 2022, 13 (Thirteen) notices for raising question of breach of privilege and contempt were received.

- 1 (One) member was allowed to raise the question involving breach of privilege and contempt in the Maharashtra Legislative Assembly.

#### **COMMITTEE REPORTS:-**

During the first session, 11 reports of various Committees and 71 Reports of the various Corporations (Public Undertakings) of Government of Maharashtra were presented to the House.

On the whole, the session passed off peacefully. At the close of the session, valedictory address was made by the Hon'ble Deputy Speaker in which statistical information regarding the business conducted during the session was read out Hon'ble Deputy Speaker thanked the Leader of the House, the Leader of Opposition, the



Leaders and Deputy Leaders of Parties and Groups and each and every Member of the House for their kind co-operation and courtesy extended to him in conducting the business of the House.

First (Budget) session were concluded with established convention of **singing of National Anthem** and announcement of **Governor's Prorogation Orders** by the Hon'ble Speaker

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