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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 14th September, 2020:—

I

BILL NO. XXVIII OF 2020

A Bill further to amend the Salaries and Allowances of Ministers Act, 1952.

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

1. (1) This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 2020. Short title and commencement.

(2) It shall be deemed to have come into force on the 9th April, 2020.

58 of 1952.

2. In the Salaries and Allowances of Ministers Act, 1952, section 5 shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:— Amendment of section 5.

"(2) Notwithstanding anything contained in sub-section (1), the sumptuary allowance payable to each Minister under that sub-section shall be reduced by thirty per cent. for a period of one year commencing from the 1st April, 2020, to meet the exigencies arising out of Corona Virus (COVID-19) pandemic."

Ord. 4 of 2020.

3. (1) The Salaries and Allowances of Ministers (Amendment) Ordinance, 2020 is hereby repealed. Repeal and savings.

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

STATEMENT OF OBJECTS AND REASONS

The Salaries and Allowances of Ministers Act, 1952 (58 of 1952) is an Act to provide for salaries and allowances of Ministers.

2. India, as the rest of the world, is grappling with Corona Virus (COVID-19) pandemic which has severe health and economic ramifications for the people of the country. Immediate and expeditious relief as well as emergency assistance measures are being taken to prevent and contain the spread of said pandemic. In order to manage and control such situation, it has become necessary to raise resources from different sources, including by reduction in the sumptuary allowances of Ministers.

3. To achieve the said objective, certain amendment is required to be made in the Salaries and Allowances of Ministers Act, 1952. As the Parliament was not in session and there was immediate need for legislation, the Salaries and Allowances of Ministers (Amendment) Ordinance, 2020 (Ord. 4 of 2020) was promulgated on the 9th April, 2020 under clause (1) of article 123 of the Constitution.

4. Accordingly, the Salaries and Allowances of Ministers (Amendment) Bill, 2020 is being introduced in Parliament to replace the Salaries and Allowances of Ministers (Amendment) Ordinance, 2020. The Bill propose to amend section 5 of the Salaries and Allowances of Ministers Act, 1952 so as to reduce the sumptuary allowance payable to each Minister by thirty per cent. for a period of one year commencing from the 1st April, 2020.

5. The Bill seeks to replace the aforesaid Ordinance.

AMIT SHAH.

II

BILL NO. XXVII OF 2020

A Bill further to amend the Epidemic Diseases Act, 1897.

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

Short title and commencement.

1. (1) This Act may be called the Epidemic Diseases (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 22nd day of April, 2020.

Amendment of section 1.

2. In section 1 of the Epidemic Diseases Act, 1897 (hereinafter referred to as the principal Act), in sub-section (2), the words, figures and letters “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States” shall be omitted. 3 of 1897.

3. After section 1 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 1A.

‘1A. In this Act, unless the context otherwise requires,— Definitions.

(a) “act of violence” includes any of the following acts committed by any person against a healthcare service personnel serving during an epidemic, which causes or may cause—

(i) harassment impacting the living or working conditions of such healthcare service personnel and preventing him from discharging his duties;

(ii) harm, injury, hurt, intimidation or danger to the life of such healthcare service personnel, either within the premises of a clinical establishment or otherwise;

(iii) obstruction or hindrance to such healthcare service personnel in the discharge of his duties, either within the premises of a clinical establishment or otherwise; or

(iv) loss or damage to any property or documents in the custody of, or in relation to, such healthcare service personnel;

(b) “healthcare service personnel” means a person who while carrying out his duties in relation to epidemic related responsibilities, may come in direct contact with affected patients and thereby is at the risk of being impacted by such disease, and includes—

(i) any public and clinical healthcare provider such as doctor, nurse, paramedical worker and community health worker;

(ii) any other person empowered under the Act to take measures to prevent the outbreak of the disease or spread thereof; and

(iii) any person declared as such by the State Government, by notification in the Official Gazette;

(c) “property” includes—

(i) a clinical establishment as defined in the Clinical Establishments (Registration and Regulation) Act, 2010;

(ii) any facility identified for quarantine and isolation of patients during an epidemic;

(iii) a mobile medical unit; and

(iv) any other property in which a healthcare service personnel has direct interest in relation to the epidemic;

(d) the words and expressions used herein and not defined, but defined in the Indian Ports Act, 1908, the Aircraft Act, 1934 or the Land Ports Authority of India Act, 2010, as the case may be, shall have the same meaning as assigned to them in that Act.’.

4. In section 2A of the principal Act, for the portion beginning with the words “the Central Government may take measures” and ending with the words “as may be necessary”, the following shall be substituted, namely:— Amendment of section 2A.

“the Central Government may take such measures, as it deems fit and prescribe regulations for the inspection of any bus or train or goods vehicle or ship or vessel or aircraft leaving or arriving at any land port or port or aerodrome, as the case may be, in the territories to which this Act extends and for such detention thereof, or of any person intending to travel therein, or arriving thereby, as may be necessary.”.

23 of 2010.

15 of 1908.
22 of 1934.
31 of 2010.

Insertion of new section 2B.

5. After section 2A of the principal Act, the following section shall be inserted, namely:—

Prohibition of violence against health-care service personnel and damage to property.

“2B. No person shall indulge in any act of violence against a healthcare service personnel or cause any damage or loss to any property during an epidemic.”.

Amendment of section 3.

6. Section 3 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) Whoever,—

(i) commits or abets the commission of an act of violence against a healthcare service personnel; or

(ii) abets or causes damage or loss to any property,

shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years, and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.

(3) Whoever, while committing an act of violence against a healthcare service personnel, causes grievous hurt as defined in section 320 of the Indian Penal Code to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees.”.

45 of 1860.

Insertion of new sections 3A, 3B, 3C, 3D and 3E.

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

Cognizance, investigation and trial of offences.

‘3A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

2 of 1974.

(i) an offence punishable under sub-section (2) or sub-section (3) of section 3 shall be cognizable and non-bailable;

(ii) any case registered under sub-section (2) or sub-section (3) of section 3 shall be investigated by a police officer not below the rank of Inspector;

(iii) investigation of a case under sub-section (2) or sub-section (3) of section 3 shall be completed within a period of thirty days from the date of registration of the First Information Report;

(iv) in every inquiry or trial of a case under sub-section (2) or sub-section (3) of section 3, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded, and an endeavour shall be made to ensure that the inquiry or trial is concluded within a period of one year:

Provided that where the trial is not concluded within the said period, the Judge shall record the reasons for not having done so:

Provided further that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding six months at a time.

3B. Where a person is prosecuted for committing an offence punishable under sub-section (2) of section 3, such offence may, with the permission of the Court, be compounded by the person against whom such act of violence is committed.

Composition of certain offences.

3C. Where a person is prosecuted for committing an offence punishable under sub-section (3) of section 3, the Court shall presume that such person has committed such offence, unless the contrary is proved.

Presumption as to certain offences.

3D. (1) In any prosecution for an offence under sub-section (3) of section 3 which requires a culpable mental state on the part of the accused, the Court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Presumption of culpable mental state.

(2) For the purposes of this section, a fact is said to be proved only when the Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

3E.(1) In addition to the punishment provided for an offence under sub-section (2) or sub-section (3) of section 3, the person so convicted shall also be liable to pay, by way of compensation, such amount, as may be determined by the Court for causing hurt or grievous hurt to any healthcare service personnel.

Compensation for acts of violence.

(2) Notwithstanding the composition of an offence under section 3B, in case of damage to any property or loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property or the loss caused, as may be determined by the Court.

(3) Upon failure to pay the compensation awarded under sub-sections (1) and (2), such amount shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890.’.

1 of 1890.

Ord. 5 of 2020.

8. (1) The Epidemic Diseases (Amendment) Ordinance, 2020 is hereby repealed.

Repeal and savings.

3 of 1897.

(2) Notwithstanding such repeal, anything done or any action taken under the Epidemic Diseases Act, 1897, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Epidemic Diseases Act, 1897 was enacted to provide for better prevention of the spread of dangerous epidemic diseases. The Act empowers the Central Government and the State Government to take measures and prescribe regulations whenever there is a threat or outbreak of any dangerous epidemic disease.

2. During the current COVID-19 pandemic, there have been instances where the healthcare service personnel, who are at the forefront of fighting such disease, have been stigmatized and ostracized, besides being targeted and attacked by miscreants. Such incidences have resulted in deeply hurting the morale of healthcare service personnel, thereby obstructing them from performing their duties, and consequently, the entire effort at containing COVID-19 pandemic has suffered due to such attacks on healthcare service personnel, their property and healthcare facility.

3. Though State Governments have enacted special laws to give protection to doctors and other medical personnel, the provisions contained therein are focused more towards physical violence at workplaces and the penal provisions thereof are not stringent enough to deter such mischief being committed. The Epidemic Diseases Act, 1897 also does not provide effective deterrence to such acts of violence or harassment meted out to healthcare service personnel. Therefore, in order to curb such unprecedented acts of violence, including physical and mental harassment and damage to property during COVID-19 pandemic, there was an urgent need to have a law in place that provides protection to healthcare service personnel.

4. As the Parliament was not in session and an urgent legislation was required to be made in this regard, the President promulgated the Epidemic Diseases (Amendment) Ordinance, 2020 on the 22nd day of April, 2020 under clause (1) of article 123 of the Constitution.

5. The Epidemic Diseases (Amendment) Bill, 2020 which seeks to replace the Epidemic Diseases (Amendment) Ordinance, 2020 (Ord. 5 of 2020) provides for —

(i) conferment of concurrent powers upon the Central Government as that of the State Government to take any measures to prevent the outbreak of an epidemic or the spread thereof;

(ii) enlarging the scope of section 2A by empowering the Central Government to regulate the inspection of any bus, train, goods vehicle, ship, vessel, or aircraft leaving or arriving at any land port, port or aerodrome, in the territories to which the said Act extends and detention of any person wherever necessary;

(iii) stringent provisions to act as effective deterrents as under:—

(a) making acts of violence cognizable and non-bailable offence;

(b) commission or abetment of acts of violence shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years, and with fine which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees;

(c) for causing grievous hurt, punishment shall be with imprisonment for a term which shall not be less than six months, but which may extend to seven years, and with fine which shall not be less than one lakh rupees, but which may extend to five lakh rupees;

(d) in addition, the person convicted shall also be liable to pay compensation to the victim, and twice the amount of fair market value of the damaged property or the loss caused, as determined by the Court;

(iv) expeditious conclusion of investigation and trial by providing that offences shall be investigated by an officer of the rank of Inspector within a period of thirty days, and trial to be completed within one year, unless extended by the court for reasons to be recorded in writing.

6. The Bill seeks to replace the aforesaid Ordinance.

DR. HARSH VARDHAN.

III

BILL NO. XXIX OF 2020

A Bill further to amend the Homoeopathy Central Council Act, 1973.

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

1. (1) This Act may be called the Homoeopathy Central Council (Amendment) Act, 2020. Short title and commencement.

(2) It shall be deemed to have come into force on the 24th day of April, 2020.

59 of 1973.

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

Repeal and
savings.

3. (1) The Homoeopathy Central Council (Amendment) Ordinance, 2020 is hereby repealed. Ord. 6 of 2020.

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

STATEMENT OF OBJECTS AND REASONS

The Homoeopathy Central Council Act, 1973 (59 of 1973) provides for constitution of the Central Council of Homoeopathy for regulation of the educational standards of Homoeopathy, maintenance of the Central Register of practitioners of Homoeopathy and for matters connected therewith.

2. As the Central Council of Homoeopathy had failed in its responsibilities and not cooperated wilfully with the Central Government in carrying out its duties in the manner required to safeguard the standards of education and practice of Homoeopathy, the Homoeopathy Central Council Act, 1973 was amended *vide* the Homoeopathy Central Council (Amendment) Act, 2018 (23 of 2018) to empower the Central Government to supersede the Central Council of Homoeopathy and to constitute the Board of Governors to exercise the powers and perform the functions of the Central Council under the said Act, till the reconstitution of Central Council within a period of one year.

3. The Central Council of Homoeopathy could not be reconstituted within a period of one year as the State Registers of Homoeopathy were not updated for conducting elections to elect members to the Central Council. Therefore, the period for reconstitution of Central Council was extended from existing one year to two years *vide* the Homoeopathy Central Council (Amendment) Act, 2019 (11 of 2019).

4. In the meanwhile, in order to streamline the functioning of the Central Council on issues of membership, for bringing transparency in the mechanism of granting permission to colleges and practice of Homoeopathy and improving the standards in medical education, the Central Government proposed to replace the Homoeopathy Central Council Act, 1973 and to supersede the Central Council of Homoeopathy established thereunder. Accordingly, the National Commission for Homoeopathy Bill, 2019 was introduced in the Rajya Sabha on 7th January, 2019 and the same was passed by the that House on 18th March, 2020. The National Commission for Homoeopathy Bill, 2020 is pending in the Lok Sabha for consideration and passing.

5. As the Central Council of Homoeopathy could not be reconstituted within extended period of two years and the Central Council was in the process of conducting inspections for the academic year 2020-21, the Homoeopathy Central Council Act, 1973 was required to be further amended to extend the period for reconstitution of the Central Council from two years to three years. As Parliament was not in session and there was a need for urgent legislation, the Homoeopathy Central Council (Amendment) Ordinance, 2020 (Ord. 6 of 2020) was promulgated by the President on the 24th April, 2020 under clause (1) of article 123 of the Constitution.

6. The Homoeopathy Central Council (Amendment) Bill, 2020, which seeks to replace the Homoeopathy Central Council (Amendment) Ordinance, 2020 provides for extending the period of reconstitution of Central Council of Homoeopathy from two years to three years.

7. The Bill seeks to replace the aforesaid Ordinance.

SHRIPAD NAIK.

IV

BILL NO. XXX OF 2020

A Bill further to amend the Indian Medicine Central Council Act, 1970.

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

Short title and commencement.

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 24th day of April, 2020.

Insertion of new sections 3A, 3B and 3C.

2. In the Indian Medicine Central Council Act, 1970, after section 3, the following sections shall be inserted, namely:—

48 of 1970.

Ord. 7 of 2020.

"3A. (1) On and from the date of commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2020, the Central Council shall stand superseded and the President, Vice-President and other members of the Central Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

Power of Central Government to supersede Central Council and constitute Board of Governors.

(2) The Central Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Central Council under sub-section (1).

(3) Upon supersession of the Central Council under sub-section (1) and until a new Council is constituted in accordance with the provisions of section 3, the Board of Governors constituted under sub-section (4) shall exercise the powers and perform the functions of the Central Council under this Act.

(4) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than ten persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of Indian Medicine and Indian Medicine education and eminent administrators, and who may be either nominated members or *ex officio* members, to be appointed by the Central Government, one of whom shall be selected by the Central Government as the Chairperson of the Board of Governors.

(5) The Chairperson and other members, other than *ex officio* members, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.

(6) The Board of Governors shall meet at such time and such place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as is applicable to the Council.

(7) Two-third of the members of the Board of Governors shall constitute the quorum of its meetings.

(8) No act or proceedings of the Board of Governors shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board of Governors; or

(b) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.

(9) A member having any financial or other interest in any matter coming before the Board of Governors for its decision shall disclose his interest in such matter before he may, if allowed by the Board of Governors, participate in such proceedings.

(10) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.

3B. During the period when the Central Council stands superseded,—

Certain modifications of Act.

(a) the provisions of the Act shall be construed as if for the words "Central Council", the words "Board of Governors" were substituted;

(b) the Board of Governors shall exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Central Council shall be construed as references to the Board of Governors;

3C. (1) Without prejudice to the provisions of this Act, the Board of Governors or the Central Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Power of Central Government to give directions.

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is a matter of policy or not shall be final."

Repeal and savings.

3. (1) The Indian Medicine Central Council (Amendment) Ordinance, 2020 is hereby repealed.

Ord. 7 of 2020.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medicine Central Council Act, 1970, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act.

48 of 1970.

STATEMENT OF OBJECTS AND REASONS

The Indian Medicine Central Council Act, 1970 (48 of 1970) provides for constitution of the Central Council of Indian Medicine for regulation of the educational standards of Indian Systems of Medicine, maintenance of the Central Register of practitioners of Indian Systems of Medicine and for matters connected therewith.

2. In order to streamline the functioning of the Central Council on issues of membership, bringing transparency in the mechanism of granting permission to colleges and practice of Indian Systems of Medicine and improving standards in medical education, the Central Government proposed to replace the Indian Medicine Central Council Act, 1970 and to supersede the Central Council of Indian Medicine established thereunder. Accordingly, the National Commission for Indian System of Medicine Bill, 2019 was introduced in the Rajya Sabha on 7th January, 2019 and was passed by that House on 18th March, 2020. The National Commission for Indian System of Medicine Bill, 2020 is pending in the Lok Sabha for consideration and passing.

3. As the membership of the President of the Central Council of Indian Medicine was only till 30th May, 2020, election of President was to be held in May, 2020. Similarly, elections of Members of the Central Council were also due in Uttar Pradesh, Madhya Pradesh, Assam, Bihar, Jammu and Kashmir, Uttarakhand and Maharashtra. As the term of office of Members of the Central Council is for a period of five years and the National Commission for Indian System of Medicine Bill, 2020 had already passed in the Rajya Sabha, it was considered inappropriate to conduct elections in those States and also in other States where the term was likely to be expired. Therefore, in order to complete time-bound granting of permission to colleges for the academic session 2020-21 and as an interim measure, the Central Government proposed for promulgation of an Ordinance to amend the Indian Medicine Central Council Act, 1970, *inter alia*, to empower the Central Government to supersede the Central Council of Indian Medicine and to constitute the Board of Governors to exercise the powers and perform the functions of the Central Council under the said Act, till reconstitution of the Central Council. Accordingly, the Indian Medicine Central Council (Amendment) Ordinance, 2020 was promulgated by the President on the 24th day of April, 2020 under clause (1) of article 123 of the Constitution.

Ord. 7 of 2020.

4. The Indian Medicine Central Council (Amendment) Bill, 2020 which seeks to replace the Indian Medicine Central Council (Amendment) Ordinance, 2020 (Ord.7 of 2020) provides for empowering the Central Government to—

(i) supersede the Central Council of Indian Medicine and to constitute the Board of Governors to exercise the powers and perform the functions of the Central Council under the said Act, till reconstitution of the Central Council within a period of one year;

(ii) give directions to the Board of Governors or the Central Council on questions of policy.

5. The Bill seeks to replace the aforesaid Ordinance.

SHRIPAD NAIK.

DESH DEEPAK VERMA,
Secretary-General.