

Bill No. 156 of 2022

THE NATIONAL COMMISSION FOR ECONOMICALLY WEAKER
SECTIONS BILL, 2022

By

SHRI MIDHUN REDDY, M.P.

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BILL

*to constitute a National Commission for Economically Weaker Sections and to provide
for matters connected therewith or incidental thereto.*

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

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the National Commission for Economically Weaker Sections Act, 2022.

Short title and commencement.

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

- Definitions.
2. In this Act, unless the context otherwise requires, –
- (a) “Chairperson” means the Chairperson of the Commission;
 - (b) “Commission” means the National Commission for Economically Weaker Sections as constituted under section 3;
 - (c) “economically weaker sections” means such sections of citizens who fulfill criteria as may be specified by the Central Government;
 - (d) “Member” means a Member of the Commission; and
 - (e) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR ECONOMICALLY WEAKER SECTIONS 10

- Constitution of National Commission for Economically Weaker Sections.
3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Commission for Economically Weaker Sections to exercise the powers conferred on, and to perform the functions as signed to it under this Act.
- (2) The Commission shall consist of the following Members nominated by the Central Government: – 15
- (a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;
 - (b) a social scientist;
 - (c) two persons, who have special knowledge in matters relating to economically weaker sections; and 20
 - (d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.
- Term of office and conditions of service of Chairperson and Members.
4. (1) The Chairperson and every Member shall hold office for a term of three years from the date he assumes office.
- (2) The Chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time. 25
- (3) The Central Government shall remove a person from the office of Chairperson or a member if that person– 30
- (a) becomes an un-discharged insolvent;
 - (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
 - (c) is of unsound mind and stands so declared by a competent court;
 - (d) refuses to act or becomes incapable of acting;
 - (e) without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or 35
 - (f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person’s continuance in office detrimental to the interests of Economically Weaker Sections or the public interest:
- Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter. 40
- (4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.
- (5) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed. 45

5. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

Officers and other employees of the Commission.

5 (2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

Salaries and allowances to be paid out of grants.

7. No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc., not to invalidate proceedings of the Commission.

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

Procedure to be regulated by the Commission.

15 (2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. (1) The Commission shall analyze *suo-moto* and examine requests relating to modification of criteria for inclusion of any section of citizen(s) under the Economically Weaker Sections list and hear complaints of over-inclusion or non-inclusion of any citizen and tender such advice to the Central Government as it deems appropriate.

Functions of the Commission.

25 (2) The advice of the Commission shall ordinarily be binding upon the Central Government.

10. The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely: –

Powers of the Commission.

30 (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

35 (e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

11. (1) The Central Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the criteria to be used to identify the Economically Weaker Sections.

Periodic revision of criteria by the Central Government.

40 (2) The Central Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.	<p>12. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.</p> <p>(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).</p>	5
Accounts and audit.	<p>13. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.</p> <p>(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.</p>	10 15 20
Annual report.	<p>14. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.</p>	25
Annual report and audit report to be laid before Parliament.	<p>15. The Central Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before each House of Parliament.</p>	30
	<p>CHAPTER V MISCELLANEOUS</p>	30
Chairperson, Members and employees of the Commission to be public servants.	<p>16. The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).</p>	35
Power to make rules.	<p>17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5;</p> <p>(b) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 13;</p>	40

(c) the form in, and the time at, which the annual report shall be prepared under section 14; and

(d) any other matter which is required to be, or may be, prescribed.

5 (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of 10 no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15 **18.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

STATEMENT OF OBJECTS AND REASONS

Following the recognition of a special class of citizens under the Economically Weaker Sections category, there has been a need for a National Commission to be constituted with the objective of monitoring all the safeguards provided for the Economically Weaker Sections.

There is also a need for frequent evaluation of the criteria required for inclusion in the Economically Weaker Sections list, as well as for investigation of complaints regarding the inclusion or exclusion of any person within the given category.

Therefore, in order to safeguard the interests of the Economically Weaker Sections more effectively, it is proposed to create a National Commission for Economically Weaker Sections with statutory status at par with the National Human Rights Commission.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
July 1, 2022.

MIDHUN REDDY

FINANCIAL MEMORANDUM

Sub-clause (2) of clause 3 of the Bill, *inter alia*, provides that the National Commission for Economically Weaker Sections shall consist of a Chairperson and four other Members and the conditions of service of tenure of the offices of the Chairperson and Members so appointed shall be such as the Central Government may, by rule determine.

The expenditure would be largely met from the budgetary support by the Government to the Commission and would be shaped by a range of factors including the number of meetings of the Commission and therefore, recurring or non-recurring expenditure cannot be anticipated at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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BILL

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(Shri Midhun Reddy, M.P.)