

Bill No. 21 of 2021

THE INDUSTRIAL EMPLOYMENT AND ENVIRONMENTAL
PROTECTION BILL, 2021

By

SHRI SHRIRANG APPA BARNE, M.P.

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BILL

to provide employment to the local residents of any area in which an industry has been or is going to be set up, ensure basic income to all workers and to establish a regulatory mechanism to protect environment from any adverse effects due to industrialization in such area and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:-

1. (1) This Act may be called the Industrial Employment and Environmental Protection Act, 2021.

Short title,
extent
and
commencement.

(2) It extends to the whole of India.

(3) 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) "annual report" means a report giving the details of the development activities taken up over the year by the Authority and providing details about the targets set and achieved; 5

(b) "appropriate Government" means, the concerned State Government or the Union territory Government, as the case may be, and in all other cases, the Central Government; 10

(c) "Authority" means the Industrial Employment and Environmental Protection Authority established under section 3; and

(d) "prescribed" means prescribed by rules made under this Act.

Establishment of the Industrial Employment and Environment Protection Authority.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted for the purposes of this Act, an Authority to be known as the Industrial Employment and Environment Protection Authority for carrying out the purposes of this Act. 15

(2) The Authority shall consist of -

(i) Union Minister of State in the Ministry of Labour and Employment — *ex officio* Chairperson; 20

(ii) Union Minister of State in the Ministry of Environment — *ex officio* Vice Chairperson; and

(iii) Director, Central Board for Employment, Union Ministry of Labour and Employment — *ex officio* member.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority who have special knowledge pertaining to employment schemes and environmental issues. 25

(4) The salary and allowance payable to and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

Headquarters and other Offices of the Authority.

4. (1) The Headquarters of the Authority shall be at New Delhi. 30

(2) The Authority shall establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act.

Meetings and procedure of the Authority.

5. The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government. 35

Functions of the Authority.

6. (1) Without prejudice to the provisions contained in this section, the functions of the Authority shall include, -

(a) undertaking a baseline study to collect comprehensive data about the existing minimum number of local resident employees working in all industries to which land is provided by Government; 40

(b) undertaking a baseline study to collect comprehensive data of adverse effects on the environment within the circumference of 5 kilometer where the particular industry has been set up, due to the working mechanism of the industry;

(c) formulating a scheme and giving mandatory guidelines to the industries to reserve a certain percentage (at least fifty per cent.) of employee positions exclusively for local residents of that area;

5 (d) formulating a scheme for providing wages throughout the year for those employed seasonally;

(e) creating an establishment to maintain data on the workers of closed sick industries and to formulate schemes for the welfare of such workers;

10 (f) formulating eco-friendly schemes and giving mandatory guidelines to protect the flora and fauna in the circumference of 10 kilometer of the particular industry;

(g) installing regular test mechanisms to trace the effects on the environment due to industry production;

15 (h) recommends penalty including cancellation of licence or such other penalty as are necessary to save the environment for violation of norms or guidelines by industries; and

(i) undertaking such other activities, as may be prescribed by the Central Government.

20 (2) The Authority shall disseminate the necessary knowledge and information collected, to the respective departments of the Central Government and the State Governments.

25 7. (1) The Authority shall prepare every year an Annual Report in such form and as may be prescribed by the Central Government, giving a summary of its activities including schemes it has undertaken and recommended to the appropriate Government during the previous year and it shall contain the statements of Annual report of the Authority. Annual Report.

(2) A copy of the Annual report shall be forwarded to the Central Government and the Central Government shall cause the Annual Report to be laid, as soon as may be after it is received, before each House of Parliament.

30 8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty: Power to remove difficulty.

Provided that such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

35 9. (1) The Central Government, in constitution with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

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

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STATEMENT OF OBJECTS AND REASONS

Article 38 provides that the State shall promote welfare of the people and secure a social order and protect social, economic and political justice to the people. This explicitly means that the State is free to form such policies for the promotion of welfare of the people, as and when it deems fit.

Unemployment is a serious issue for the growing population of the country and the statistics collected in the last decade certainly prove that unemployment is growing rapidly and to generate jobs for the youth is the need of the hour. Setting up of industries is one of the promising solutions to control the unemployment rate. There have been several examples where the State as well as Central Governments have acquired lands from the people and given them to industries to promote industrialisation in the country. In return, monetary compensation is given to the land holders for the land acquisition done by the Government. However, one-time monetary compensation is not the only way, the Government can also formulate such schemes by giving mandatory guidelines to the industrialists to hire certain percentage of their employees from the local area where the industry is being set up. This can be the adept way to tackle the problem of rapidly growing unemployment rate of the country.

Studies of the industrial revolution show that the growth of industries has adversely affected the environment. This also alludes to the fact that proper precautionary measures are not being taken either by the industries or the Government. Right to clean and healthy environment is a fundamental right which comes under the purview of article 21 of the Constitution. Human needs are limitless and when it comes to urbanisation, they are never satisfied. We as humans compromise with nature as per our convenience. But, we often forget about the role the environment plays in our lives. The green environment that we live in consists of air, water, sunlight, trees etc. Everything that the environment consists of is important to us. It is the duty of the State to establish an Authority and some kind of control mechanism for the industries, given their arbitrary practices have already affected the environment adversely.

This Bill provides for the aforementioned necessary safety net. By providing for these measures, it will be the much-needed antidote required to control unemployment and growing environmental issues within the country.

Hence this Bill.

NEW DELHI;
October 29, 2019

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Industrial Employment and Environment Protection Authority. It also provides for appointment of officers and staff to the Authority. Clause 4 provides for establishment of Headquarters and officers of the Authority. Clause 6 provides for the Authority to undertake studies and formulate schemes for the better management of industry and environment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Seventy Five Crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Fifteen Crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empower the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Shrirang Appa Barne, M.P.)

