

Bill No. LXIV of 2022

THE GORKHA SCULPTORS, ARTISTS AND ARTISANS OF
DARJEELING HILLS WELFARE BILL, 2022

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BILL

to provide for the welfare of traditional sculptors, artists and artisans of Darjeeling Hills area belonging to the Gorkha community and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Act, 2022. Short title and commencement.

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

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

10 (a) "artisan" means any person belonging to the Gorkha community engaged in making useful, decorative or artistic items manually from leaves or weeds or bamboo or any other material by traditional means in Darjeeling Hills area for earning his livelihood;

(b) "artist" means any person belonging to the Gorkha community who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skill to public in Darjeeling Hills area;

(c) "Board" means the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Board set up under section 4; 5

(d) "Fund" means the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Fund set up under section 3;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "sculptor" means any person belonging to the Gorkha community engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in Darjeeling Hills area for earning his livelihood. 10

Setting up of the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Fund.

3. (1) The Central Government shall set up a Fund to be known as the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Fund.

(2) The Central Government and State Governments shall contribute to the Fund in such proportion, as may be prescribed. 15

Setting up of Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Board.

4. (1) The Central Government shall set up a Board to be known as the Gorkha Sculptors, Artists and Artisans of Darjeeling Hills Welfare Board for carrying out the purposes of this Act.

(2) The Board shall consist of following members, nemely:—

(a) the Union Rural Development Minister who shall be its Chairperson, ex-officio; 20

(b) five members representing the Non-Governmental Organisations working for the welfare of sculptors, artists and artisans in rural areas of West Bengal, to be appointed by the Central Government; and

(c) five members representing the sculptors, artists and artisans in rural areas, to be appointed by the Central Government. 25

(3) The salary and allowances payable to, and other terms and conditions of service of, members of the Board shall be such as may be prescribed by the Central Government.

Functions of the Board.

5. (1) The Board shall administer the Fund for the welfare of Gorkha Sculptors, artists and artisans of Darjeeling Hills Area. 30

(2) Without prejudice to the generality of the foregoing provision, the Fund shall also be used for,—

(a) payment of compensation to the next of kin of the sculptors, artists and artisans in the event of death during work;

(b) payment of premium for life insurance; 35

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to sculptors, artists and artisans and their family members;

(f) housing facility at subsidised rate; and 40

(g) financial assistance to sculptors, artists and artisans for production and marketing of their products and organization and advertisement of events.

6. The Board shall submit every year a report, in such form and manner as may be prescribed, of its activities to the Central Government. Annual Report.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

5 (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 both the Houses agree that the
10 rule should not be made, the rule 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.

STATEMENT OF OBJECTS AND REASONS

The Gorkha Sculptors, Artists and Artisans working in the Darjeeling Hills areas are living in a miserable condition. The benefits of development have not reached them. In the age of globalisation and information technology, it has become very difficult for these people to earn their livelihood.

2. Several generation of these Sculptors, Artists and Artisans have spent their whole life to keep alive these traditional arts and for providing other useful articles and entertainment to the community. Despite public recognition, these people are not able to meet the both ends due to meagre income.

3. In Hilly areas, the traditional folk arts are popular means of entertainment. But due to lack of awareness and proper publicity and lack of central government support, it is increasingly becoming difficult for them to earn their livelihood. In spite of hardship, these people are engaged in preserving our traditional art. Government should come forward to provide assistance to these folk artists so that they can lead a dignified life.

4. In view of the miserable condition of these artists, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their welfare.

5. The Bill seeks to achieve the above objectives.

SHANTA CHHETRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fund to be known as the Gorkha Fund Welfare. Sculptors, Artists and Artisans of Darjeeling Hills. Clause 4 provides for setting up of a Board to administer the Gorkha Fund for the Welfare of Sculptors, Artists and Artisans in the Darjeeling Hills area. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees fifty crore. A non-recurring expenditure of about rupees Ten Crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 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.

RAJYASABHA

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(Smt. Shanta Chhetri, M.P.)