

Bill No. L of 2018

THE NATIONAL COMMISSION FOR SOCIAL SECURITY BENEFITS
BILL, 2018

A

BILL

to provide for the constitution of a National Commission for social security benefits to undertake regular review of core social security benefits provided by the Government to the Citizens and for matter concept therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called The National Commission for Social Security Benefits Act, 2018.

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) “Chairperson” means the Chairperson of the National Commission for Social Security Benefits;

(b) “Commission” means the National Commission for Social Security Benefits constituted under Section 3;

(c) “comprehensive report” means a report submitted by Sub-Commission after every five years with audit findings and proposed recommendations, regarding the social security benefit under Section 6;

(d) “member” means a Member of the Commission or Sub-Commission thereof; and

(e) “prescribed” means prescribed by rules made under this Act.

(f) “social security benefits” means schemes, policies and Acts of the Government of India for socio-economic upliftment of its citizens as specified in the Schedule;

(g) “Sub-Commission” means the Sub-Commission for a specific Central Government scheme, policy or Act, constituted under section 6;

CHAPTER II

NATIONAL COMMISSION FOR SOCIAL SECURITY BENEFITS

Constitution of the National Commission for Social Security Benefits.

3. (1) **The Central Government shall by notification in the Official Gazette constitute a Commission to be known as the National Commission for Social Security Benefits to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.**

(2) **The Commission shall consist of—**

(a) **a Chairperson, nominated by the Central Government from amongst persons of ability, integrity and standing who has at least fifteen years of professional work experience committed to the cause of promoting socio-economic development across communities;**

(b) **five members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have professional experience in promoting socio-economic development across communities, with at least one member each from amongst persons belonging to the Scheduled Castes and Scheduled Tribes, respectively;**

Term of office and conditions of service of Chairperson and members.

4. (1) The Chairperson and every member shall hold office for the term, not exceeding five years, as may be prescribed by the Central Government in this behalf.

(2) The Central Government shall remove a person from the office of Chairperson or a member referred to in sub-section (2) of Section 3 if that person—

(a) is found to be of unsound mind by a court of competent jurisdiction;

(b) becomes an undischarged insolvent;

(c) is convicted and sentenced to imprisonment by a court of competent jurisdiction for an offence which in the opinion of the Central Government involves moral turpitude.

(d) is found not to possess the requisite qualifications and experience, as may be prescribed in this behalf;

(e) refuses to act or becomes incapable of acting;

(f) is, without taking leave from the Commission, absent from three consecutive meetings of the Commission; and

(g) in the opinion of the Central Government has so abused the position of Chairperson or member so as to render his continuance detrimental to 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.

5 (3) A vacancy caused under sub-section (2), shall be filled within one month from the date of occurrence of the vacancy.

(4) If a casual vacancy occurs in the office of the Chairperson or any member, whether by reason of his death, resignation or removal, such vacancy shall be filled up by the Central Government by making a fresh appointment and the member so appointed shall hold office
10 for the remainder of the term.

(5) The salaries and allowances payable to, and other terms and conditions of service of the Chairperson and functioning shall be such as may be prescribed.

5. (1) The Central Government shall provide suitable officers and employees to the Commission for its efficient functioning under this Act.

Officers and employees of the Commission.

15 (2) The salaries and allowances payable to, and other terms and conditions of service of officers and employees shall be such as may be prescribed.

6. (1) The Commission shall appoint Sub-Commissions for each social security benefit, as specified in the Schedule to this Act;

Power to constitute Sub-Commissions of the Commission.

(2) Each Sub-Commission shall consist of :

20 (a) a Sub-Commission Head, with experience in the field of the particular social security benefit the Sub-commission has been constituted for, to be nominated by the Commission.

(b) three members from amongst persons of ability, integrity and standing who have professional experience in working with the particular Social Security benefit
25 with at least one member each from amongst persons belonging to the Scheduled Castes and Scheduled Tribes, respectively to be nominated by the Commission;

(3) The Commission shall have powers to remove a member from a Sub-Commission on any grounds as specified in Sub-Section (2) of Section 4.

30 (4) The allowances payable to members appointed to the Sub-Commissions shall be decided by the Commission.

CHAPTER III

FUNCTIONS OF THE COMMISSION AND SUB-COMMISSIONS

35 7. (1) The Sub-Commissions for each social security benefit, shall audit the respective schemes, policy or Act, as the case may be, and recommend changes with respect to remunerations, eligibility, outreach, exclusions, scale by performing the following functions, namely—

Functions of the Commission and Sub-Commissions.

(a) undertaking research studies and evaluating effectiveness for procedural improvements;

40 (b) making policy suggestions to the Central Government to ensure that interests of the beneficiaries are taken care of;

(c) undertaking consultations with civil society organisations, government officials and intended beneficiaries in their research;

(d) undertaking non-partisan research or call for special studies and investigations into reasons for and problems arising out of, exclusion from social security schemes;

45 (e) making recommendations to Central Government for effective implementation of policies and schemes; and

(f) such other functions as may be assigned by the Commission.

(2) Each Sub-Commission shall submit a comprehensive report after every five years to the Central Government, laying down audit findings and proposed recommendations.

(3) The Commission shall monitor the functioning of the Sub-Commissions through:

(a) setting up and dissolving Sub-Commission;

(b) ensuring non-partisan character of Sub-Commissions; 5

(c) seeking and disbursing funds for Sub-Commissions from the Central Government.

Meetings of the Commissions and Sub-Commission.

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

(2) The Sub-Commission shall meet as and when necessary and at least biannually with no more than eight months elapsing between two meetings. 10

(3) The Commission shall regulate its own procedure and the procedure of the Sub-Commissions.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT 15

Grants by Central Government.

9. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf provide to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purpose of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, including further transfers to Sub-Commissions, and such sums shall be treated as expenditure payable out of grants under sub-section (1). 20

Comprehensive reports to be laid before Parliament.

10. The Central Government shall cause the reports by the Sub-Commissions to be laid, as soon as may be, after the reports are received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS 25

Chairperson, members and staff of the Commission and Sub-Commissions to be public servants.

11. The Chairperson, the Members, Officers and the other employees of the Commission, including those of the sub-Commissions, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Government to consult the Commission and Sub-Commissions.

12. The Central Government shall consult the Commission or the Sub-Commissions on all major policy matters affecting particular social security schemes. 30

Power to make rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) additional eligibility criteria for appointment as the Chairperson or member of the Commission or the Sub-Commission; 35

(b) salaries and terms and conditions of service of Chairperson and members of the Commission and the Sub-Commissions;

(c) additional ground for removal of the Chairperson or members from the Commission or Sub-Commissions.

(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
5 may be comprised in one session or in two or more successive session and if before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be
10 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.

SCHEDULE

(See Section 2 and Section 6)

- (1) National Social Assistance Program
- (2) National food Security Act
- (3) Mahatma Gandhi National Rural Employment Guarantee Program
- (4) Pradhan Mantri Krishi Sinchai Yojana
- (5) National Health Mission
- (6) National Education Mission
- (7) Pradhan Mantri Jan Aarogya Yojana

STATEMENT OF OBJECTS AND REASONS

India has been one of the fastest growing large economies of the world, experiencing double digit growth rates and development across various sections of the society. Almost every scholar would agree with how some benefits of India's spectacular growth have reached the poorest, the extent of which has been questionable, through a large number of Central Government policies and schemes targeted towards the socio-economically deprived.

National Social Assistance Program (NSAP), Public Distribution Systems (PDS), National Rural Employment Guarantee Act (NREGA), Integrated Child Development Services (ICDS), National Rural Health Mission (NRHM) are few of the developmental policies by the Central Government. These have provided benefits such as pensions, employment, food grains, education and healthcare to the most underprivileged communities such as the poor, unemployed rural population or the disabled or the old, or children and the medically ill, moving them above on ladders of socio-economic well-being.

While crucial and highly valued by the beneficiaries, many characteristics of the schemes have been repeatedly said to be inadequate by scholars and common people Central Government's contributions as pensions under NSAP have remained constant for over a decade now to Rs. 200 per month; 35 kgs. of rice/wheat per family under the National Food Security Act has been found to be inadequate for large families. Anaganwadi and ASHA workers have been organising themselves for strikes and demonstrations to demand payments of Rs. 18,000. whereas the government has agreed to increase it to only Rs. 4,500; and so on. There is clearly, a gap between various metrics of operation of these schemes: eligibility, outreach exclusions, scale, in terms of what the stakeholders should be entitled to and what they actually receive.

This Bill attempts to set up a Commission which shall conduct various audits of individual benefits through its Sub-Commissions, and give recommendations, every five years, for suitable alignment of the policies in order to cater to the intended beneficiaries and other stakeholders effectively.

Hence this Bill.

RITABRATA BANERJEE

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute a National Commission for Social Security Benefits, which will further appoint Sub-Commissions in accordance with Clause 6. Clause 9 provides that the Central Government shall provide grants to the Commission. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India would be involved. A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 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 details only, the delegation of legislative power is of normal character.

RAJYA SABHA

A

BILL

to provide for the constitution of a National Commission for social security benefits to undertake regular review of core social security benefits provided by the Government to the Citizens and for matter concept therewith or incidental thereto.

(Shri Ritabrata Banerjee, M.P.)