

# YEAR END REVIEW 2020: LEGISLATIVE DEPARTMENT

Relevant for: Indian Polity | Topic: Executive: Structure, Organization & Functioning ; Ministries and Departments of the Government

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Legislative Department does not have any statutory or autonomous body under its control. Besides the main Secretariat, Legislative Department has two wings under it, namely, the Official Languages Wing and VidhiSahityaPrakashan, which are responsible for translation of Bills, Ordinances, Rules, Regulations in Hindi; and propagation of Hindi and other Official Languages in the field of law Legislative Department provides assistance to State Governments in translation of Central Laws into the languages mention in the Eighth Schedule to the Constitution.

The Year End Review sheds light on various initiatives, Programmes, schemes and achievements of Legislative Department for the period from January 2020 to October/November 2020.

## ***Important Tasks Undertaken by the Department***

During the period from 1<sup>st</sup> January, 2020 to November, 2020 this Department has examined 41 legislative proposals. During this period, 40 Bills were sent to the Parliament for introduction.

Out of the Bills which were already pending before Parliament and those introduced during the period from 01/01/2020 to 01/11/2020, 40 Bills including 1 Constitutional Amendment Act, 2020 have been enacted into Acts. 14 Ordinances have been promulgated by the President under article 123 of the Constitution.

## ***Election Laws and Electoral Reforms***

The Acts in connection with the conduct of elections to Parliament, state legislatures and to the offices of the President and the Vice-President are: (i) The Representation of the People Act, 1950; (ii) The Representation of the People Act, 1951; (iii) The Presidential and Vice-Presidential Elections Act, 1952; (iv) The Delimitation Act, 2002; (v) The Andhra Pradesh Legislative Council Act, 2005; and (vi) The Tamil Nadu Legislative Council Act, 2010. The Tenth Schedule to the Constitution of India [also known as anti-defection Law] and the Parliament (Prevention of Disqualification) Act, 1959 also deal with the respective issues relating to the elected representative in the Parliament and the State Legislatures. These are administrated by the Legislative Department, Ministry of Law and Justice.

## ***Delimitation of Constituencies***

The first Delimitation Commission in India was constituted in 1952, the

second in 1962, the second in 1962, the third in 1973 and the fourth in the year 2002. The third delimitation exercise — based on 1971 census — was completed in the year 1975. The present delimitation, as carried out in fourth delimitation exercise based on 2001 census.

### ***Delimitation of Constituencies in UT of Jammu and Kashmir and certain States in North-East India***

After the enactment of Jammu and Kashmir (Reorganisation) Act, 2019 the erstwhile State of Jammu and Kashmir has been bifurcated into two Union territories, viz. Union Territory of Jammu and Kashmir with Legislative Assembly and the Union Territory of Ladakh without Legislative Assembly. In terms of special provision as contemplated in Section 62 of said 2019-Act the readjustment of the constituencies in the successor Union territory of Jammu and Kashmir into Assembly Constituencies shall be carried out on the basis of 2011-census figures by a Delimitation Commission to be constituted under the provisions of Delimitation Act, 2002 as amended by said 2019-Act.

Therefore, in pursuance of the mandate as contained in said 2019-Act and in accordance with the provisions of Section 3 of the Delimitation Act, 2002 the Centre Government has constituted a Delimitation Commission vide notification published in the Gazette of India on 06<sup>th</sup> March, 2020 for the purpose of delimitation of Assembly and Parliamentary constituencies in the Union territory of Jammu and Kashmir and the States of Assam, Arunachal Pradesh, Manipur and Nagaland.

### ***Reservation of Seats for Women***

There has been a consistent demand for giving adequate representation to women in Parliament and State Legislatures. Gender Justice is an important commitment of the Government and the issue involved, however, needs careful consideration on the basis of the consensus among all political parties before taking any legislative action for amending the Constitution to make appropriate provisions.

### ***Electoral Reforms – Electronically transmitted postal Ballot Systems (ETPBS)***

The Conduct of Election Rules, 1961 were further amended vide notification dated 21<sup>st</sup> October, 2016 to facilitate electronic transmission of blank postal ballot to the service voters including armed forces personnel with a view to reducing the window of time available for receipt of marked postal ballot papers.

### ***Postal Ballot Facility to Certain Classes of Voters***

A special dispensation has been provided in the existing voting system to enable aged people and persons with disability (PWDs) and also for those who are not in a position to be present in their polling station on the day of poll owing to compulsion of their service conditions, such as those on duty in aviation sector, trains, shipping sector, long distance government road transport/corporation buses, fire services, medical services, traffic, medical personnel authorized for coverage of

election, etc. in the manner to opt for exercising their franchise right by postal ballot by way of filling up a specific form for the purpose. In this regard, a notification has been issued in the Gazette of India on 22<sup>nd</sup> October 2019 thereby amending the Conduct of Election Rules, 1961 provisioning for allowing such facilities to the eligible categories of the voters. In said pursuance, those voters above 80 years of age and the Persons with Disabilities would be able to cast their vote by postal ballot. Those on temporary duty outside their constituencies on the day of poll would also be benefitted.

### ***Reservation of Seats for Scheduled Castes and Scheduled Tribes***

Our Constitution makers were fully conscious of the fact that the Scheduled Castes and Scheduled

Tribes had been an oppressed and under-privileged class in our society over the centuries and they deserved a special dispensation so that their condition may be vastly improved. For this purpose, several special provisions were incorporated in our Constitution. One such provision related to the reservation of seats for these communities in Lok Sabha and State Legislative Assemblies. This provision found place in articles 330 and 332 of the Constitution.

Initially, the aforesaid provisions were made only for a period of ten years from the commencement of the Constitution. Several steps have been initiated by the Government from time to time for improving the socio economic status of the Scheduled Castes and Scheduled Tribes, yet they are still far behind other communities. Even in the political field, they are not yet able to come up and get themselves elected to the representative bodies on their own in adequate numbers. Although the Scheduled Castes and Scheduled Tribes have made considerable progress in the last 70 years, the reasons which weighed with the Constituent Assembly in making provisions with regard to the aforesaid reservation of seats have not yet ceased to exist. Consequently, the provision initially made for a period of ten years has been extended from time to time. Therefore, with a view to retaining the inclusive character as envisioned by the founding fathers of the Constitution, it was considered necessary by the Government to continue the reservation of seats for the Scheduled Castes and the Scheduled Tribes for another ten years i.e. up to 25th January, 2030. The Government introduced the Constitution (One Hundred and Twenty-Sixth Amendment) Bill, 2019 before the Parliament thereby provisioning for extension of the period for a further ten years and the same was passed by both the Houses of Parliament and received the assent of the President in January, 2020. The said Bill was enacted as the Constitution (One Hundred and Fourth) Act, 2020.

### ***Publication of Monthly Patrikas***

Three monthly Patrikas viz. UchchamNyayalyaNirnayaPatrika, UchachNyalalya Civil NirnayaPatrika and UchchNyalayaDandikNirnayaPatrika containing reportable translated judgments in Hindi of the Supreme Court and High Courts respectively are published by VidhiSahityaPrakashan, Legislative Department.

## ***Seminars, Exhibitions and Sale of Books and Patrikas***

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## ***India Code Information System (ICIS)***

Each year number of legislations (both principal Acts and Amending Acts) are passed by the legislature and it is difficult for judiciary, lawyers as well as citizens to refer relevant and up to date Acts when required. This can be solved by building up an exhaustive repository of all the Acts and Amendments in one place which is open to all. A need has been felt for the development of building up Central repository of all the Acts and their subordinate legislations (made from time to time) at one place which are easily accessible to all stakeholders with a view to make such laws available in up-to-date form when required by public, lawyers, judges, etc., and to avoid private publishers from exploiting the general public with enormous prices by claiming published updated laws as their copyrighted work. In fact, this is the most vital reason why should make India Code available over Internet. Keeping all these aspects in view, India Code Information System (ICIS), a one stop digital repository of all the Central and State Legislation including their respective subordinate legislations has been developed with the help of NIC under the guidance of Law and Justice (Legislative Department). It is an important step in ensuring legal empowerment of all citizens as well as the object of ONE NATION – ONE PLATFORM. The main object of this system is to provide a one stop repository of all the Acts and Legislations in India in the latest and updated format as and when required by the general public, lawyers, judges and all other interested parties. Till date, Central Acts from the years 1838 to 2020 total 857 Central Acts have been updated and uploaded in (ICIS)for general public.

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