

The Annual Survey of State Laws in India

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CHHATTISGARH

Nikita Agarwal¹

Introduction

Chhattisgarh was carved out of the state of Madhya Pradesh on November 1, 2000, vide the Madhya Pradesh Reorganisation Act, 2000. The state has 27 districts and is split into five divisions: the Surguja division, the Bilaspur division, the Raipur division, the Durg division and the Bastar division. It is largely rural; only 23.24 percent of the population is urban.² As per the 2011 census, the population of scheduled tribes is 7,822,902—about 27 percent of the state's entire population. Most of the tribal population is found in Surguja and South Chhattisgarh. Rich in mineral resources, these areas are predominantly covered by forest land. In terms of human development indexes, the areas are very poor. Owing to their socio-economic and political position, and what they perceive as corporate-friendly policies of the state and its instrumentalities, the *adivasis* have for years been at odds with the state government. Consequently, large parts of the Bastar division and some parts of the Surguja and Durg divisions have become grounds of battle between the government and the left-wing insurgents subscribing to Maoist politics.

In the background of the COVID-19 crisis the Chhattisgarh legislative assembly led by the Indian National Congress met for a total of 23 days in 2020 and passed several laws around higher education, local government, budgetary allocation and taxation, etc. Two fresh laws including the Chhattisgarh Private School Fee Regulation Act, 2020 and the Chhattisgarh Plastic and Other Non-Biodegradable Material (Regulation of Use and Disposal) Bill, 2020 were passed by Chhattisgarh.

The Pandora's Box of Unkept Promises

The new government promised several new bills and laws, the most prominent being a law for the protection of journalists and stringers in the state. This law was one of the primary election promises in the campaign of Chief Minister Bhupesh Baghel, owing to the large-scale persecution of journalists in Chhattisgarh, particularly in south Chhattisgarh.³ After the Congress came into power in the state, the chief minister set up a committee led by retired Justice Aftab Alam of the supreme court of India to draft the bill. Pertinently, this law was initially drafted as the Chhattisgarh Special Act for Protection of Journalists and Human Rights Defenders by the Peoples Union of Civil Liberties, but was tweaked by the committee to narrow the ambit of the law to protecting journalists and media persons and to

1. Advocate, High Court of Delhi.

2. Government of India, "Provisional Population Totals: Chhattisgarh" (2011) *available at*: https://censusindia.gov.in/2011-prov-results/prov_data_products__chhattisgarh.html (last visited on Jan. 26, 2022).

3. Amnesty International, "Report on 'Blackout in Bastar'" (2016).

widen the definition of ‘media persons’ to any “*persons who have published six articles in mass media in the preceding three months*”.⁴ However, there has been no follow-up on the drafted law despite it being presented by the committee after a year of deliberations and consultations, and with the promise that within thirty days of the passage of the Act, “*the government shall constitute a Committee for the Protection of Media persons to deal with complaints of harassment, intimidation or violence, or unfair prosecution and arrests of media persons*”.⁵ It must be noted that the condition of the journalists and media persons in the state remains as precarious as ever.

The Political Process of Centralisation by the Union Government

With the governments at the centre and the state belonging to different political parties, and the centre engaging in extensive law making to centralise the power of policy decisions and administration, the most significant processes that come through in the law-making in Chhattisgarh are the policy processes of decentralising power. A highlight of the central government’s engagement with the state of Chhattisgarh was in the back-and-forth around the auctioning of coal blocks for commercial use in the state.

For the first time ever in the history of India, 41 coal blocks across the country were auctioned by the central government for commercial mining on June 18, 2020.⁶ The power to auction such coal mines came from the recently promulgated Mines and Minerals (Development and Regulation) Amendment Ordinance, 2020, which was eventually enacted by parliament.⁷ It effectively removed restrictions on the end-use of coal and allowed all companies irrespective of whether they have any experience in mining to acquire coal mines, and carry on coal mining for their own consumption and sale. Most importantly, the ordinance enabled the auction of unexplored and partially explored coal blocks for mining through prospecting license-cum-mining leases. Nine of these coal blocks were in Chhattisgarh,⁸ five of them falling in the Lemru Elephant Reserve of Hasdeo Arand forest.

The entire process of auctioning the coal blocks has since been centralised. The power to auction mines was initially proposed as an option to assist states which were unable to do so. However, subsequent events have revealed that there were other intentions. The centre introduced changes in law and policy to divest states of their ownership rights. With the enactment of the Mineral Laws (Amendment) Act, 2020, the central government acquired the authority to provide permits and auction coal mines in India.⁹ Prior to the amendment, it was the states which were completely in control of conducting auctions of mineral concession as the state governments were considered to be the owners of minerals

4. *Draft* Chhattisgarh Protection of Media persons Act, s. 10(a).

5. *Draft* Chhattisgarh Protection of Media persons Act.

6. Press Information Bureau, “Unleashing Coal: New Hopes for Atmanirbhar Bharat: Government of India to launch auction for commercial coal mining on 18th June 2020”, Ministry of Coal, June 11, 2020, *available at*: <https://pib.gov.in/PressReleasePage.aspx?PRID=1630919> (last visited on Feb.10, 2022).

7. The Mines and Minerals (Development and Regulation) Amendment Act, 2020.

8. The nine mines included three from HasdeoArand that is spread over North Korba, South Sarguja and Surajpur districts (Hasdeo represents one of the largest coal reserves in India), two from Korba district and four from the Mand Raigarh block in Raigarh district. Sarah Khan, “Mine Games”, *Gaon Connection*, Sep. 23, 2020, *available at*: <https://en.gaonconnection.com/mine-games-five-contentious-coal-blocks-in-chhattisgarh-dropped-from-the-auction-list-but-three-objectionable-mines-added/> (last visited on Feb. 09, 2022).

9. The Mineral Laws (Amendment) Act, 2020, ss. 7, 11.

within their respective territories, while the central government had only the ownership of minerals within the exclusive economic zones of India. This understanding was originally incorporated in the Mines and Minerals (Development and Regulation) Act, 1957 by reading the provisions of entry 23 of list II¹⁰ in conjunction with entry 54 in list I¹¹ of the Constitution of India. In a complete overhaul, the central government vide its ordinance, which was eventually converted into statute, diluted this distinction and made itself the primary owner of all the mines and minerals throughout the country.

In assertion of the new conversion, nine of the coal blocks auctioned were from Chhattisgarh with no consultation and discussion with the state government or the gram sabhas. The bidding amount from these auctions of mines situated in Schedule V areas was accepted even before attaining any of the required clearances as per the terms of the Environment Protection Act, 1986, the Forest Rights Act, 2006, the Panchayati Extension of Scheduled Areas Act, 1996, and the Land Acquisition Act, 2013 among others. The gram sabha processes and the land acquisition approvals generally obtained by the state governments when they undertook auctions were not followed as the auction was mooted and centralised via the channel of the Coal Bearing Areas Act, 1957.

The Chhattisgarh government, including nine sarpanches of the affected villages, wrote to the central government urging that the coal blocks falling in the Hasdeo forests and the nearby catchment areas of River Maand be removed from the auction list as the area had been declared as a 'no-go zone' by the state government to preserve the sensitive wildlife and ecology of the densely forested area¹². The missive was followed by many protests and resulted in the five coal blocks being excluded from the auction. Instead, three new blocks Dolesara, Jarekela and Jharpalam-Tangarghat in Raigarh district were added to the list. Pertinently, the region was already "reeling from severe impacts of coal mining and thermal power generation"; and the mines had contributed greatly to high levels of pollution and environmental degradation.¹³

The entire saga of coal mining continues to be an issue of fierce contention in Chhattisgarh. The state engaged in an administrative decision of echoing the demands of its citizens, while it continued to bargain with the central government to ensure that the liabilities incurred by the latter be also discharged. It is relevant that the mines were auctioned despite the lack of licences and approvals and the Chhattisgarh government made no policy or legislative changes to rectify this situation.

The Act of Law-Making in 2020

In 2020, the Chhattisgarh legislative assembly met for a total of 23 days over five sessions. In sum, 36 bills were introduced and passed by the state. Out of these bills, two were new laws passed by the

10. The Constitution of India, List II, Entry. 23.

11. The Constitution of India, List I, Entry. 54.

12. Gargi Verma, "Chhattisgarh Minister Writes to Centre, Seeks Removal of 5 Coal Blocks from Auction List, *The Indian Express*, June 22, 2020, available at: <https://indianexpress.com/article/india/chhattisgarh-minister-writes-to-centre-seeks-removal-of-5-coal-blocks-from-auction-list-6470278/>, (last visited on Feb. 09, 2022).

13. Manthan Adhyayan Kendra, "Commercial Coal Mining Auctions Legal, Social & Ecological Concerns around Inclusion of Mines in Mand Raigarh of Chhattisgarh" (Sept. 16, 2020) available at: <https://www.manthan-india.org/commercial-coal-mining-auctions-legal-social-ecological-concerns-around-inclusion-of-mines-in-mand-raigarh-of-chhattisgarh/> (last visited on Feb. 09, 2022).

Chhattisgarh state legislature,¹⁴ four, entailing appropriation, were passed and 30 amendment bills¹⁵ were introduced and passed. None of these bills dealt with revocation of amendments. One ordinance was also passed by the state legislature in 2020, namely, the Chhattisgarh Co-operative Societies (Amendment) Ordinance, 2020.

Table 1 shares data about the number of legislative sessions held in Chhattisgarh and the bills passed:

Table 1: Legislative sessions held and bills passed in Chhattisgarh in 2020.

Session Name	Number of Bills Introduced	Number of Bills Passed
First Session	Zero	Zero
Second Session	16	16
Third Session	12	12
Fourth Session	1	1
Fifth Session	7	7

Sectors in which Bills were Passed

Education

A majority of the laws enacted by the Chhattisgarh state legislature in 2020 were in the area of education. Eight of the 36 bills, which is 22 percent of the bills introduced and passed, related to education, and seven of them dealt with universities and higher education. The law passed on school education was a new law dealing with the regulation of fees in schools.

14. The Chhattisgarh Plastic and Other Non-Biodegradable Material (Regulation of Use and Disposal) Bill, 2020 and the Chhattisgarh Private School Fee Regulation Bill, 2020 were new legislations which were introduced and passed by the Chhattisgarh state legislature in the second and third session respectively. Both the legislations and their provisions have been dealt with extensively in the department-wise segregation of the analysis.

15. The Chhattisgarh Excise (Amendment) Bill, 2020; the Chhattisgarh Zila Yojana Samiti (Sanshodhan) Bill, 2020; the Chhattisgarh Krishi Upaj Mandi (Sanshodhan) Bill, 2020; the Mahatma Gandhi Horticulture and Forestry University (Amendment) Bill, 2020; the Chhattisgarh Kamadhenu University (Amendment) Bill, 2020; the Chhattisgarh Cooperative Societies (Amendment) Act, 2020; the Chhattisgarh Vishwavidyalaya (Amendment) Bill, 2019; the Pandit Sundar Lal Sharma (Open) University, Chhattisgarh (Amendment) Act, 2020; the Chhattisgarh Kushabhau Thakarey Journalism and Mass Communication University (Amendment) Bill, 2020; the Indira Kala Sangeet Vishwavidyalaya (Amendment) Bill, 2020; the Chhattisgarh Private Universities and Commencement (Establishment and Operation) (Amendment) Act, 2020 and the Chhattisgarh Goods and Services Tax (Amendment) Act, 2020 were passed in the second session held between February-March, 2020.

The Chhattisgarh Rent Control (Amendment) Bill, 2019; the Chhattisgarh Municipality (Amendment) Bill, 2020; the Chhattisgarh Legislative Assembly Members Salary, Allowance and Pension (Amendment) Bill, 2020; the Chhattisgarh Co-operative Societies (Amendment) Act, 2020; the Chhattisgarh Private School Fee Regulation Bill, 2020; the Chhattisgarh State Backward Classes Commission (Amendment) Bill, 2020; the Chhattisgarh State Minorities Commission (Amendment) Bill, 2020; the Chhattisgarh State Scheduled Caste Commission (Amendment) Bill, 2020; the Chhattisgarh State Scheduled Tribes Commission (Amendment) Bill, 2020; the Chhattisgarh Goods and Services Tax (Amendment) Bill, 2020 and the Chhattisgarh Vishwavidyalaya (Amendment) Bill, 2019, were passed in the third session held in August, 2020.

The Chhattisgarh Krishi Upaj Mandi (Sanshodhan) Bill, 2020 was passed in the fourth session held in October 2020.

The Chhattisgarh Municipality (Amendment) Bill, 2020; the Chhattisgarh Municipal Corporation (Amendment) Bill, 2020; the Chhattisgarh Krishi Upaj Mandi (Sanshodhan) Bill, 2020; the Chhattisgarh Rent Control (Amendment) Bill, 2020; the Chhattisgarh Fiscal Responsibility and Budget Management (Amendment) Bill, 2020 and the Indian Stamps (Chhattisgarh Amendment) Bill, 2020 were passed in the fifth session held in December 2020.

As education falls within the concurrent list,¹⁶ the Chhattisgarh legislative assembly passed several amendments to the laws for setting-up and governing colleges for higher education. The amendments could be considered to be a response to the appointments of vice chancellors with a certain political flavour¹⁷ by the governor, in her capacity as the chancellor. The passage of these bills was significantly delayed at the stage of receiving assent from the governor, who relied upon the University Grants Commission Act to claim illegality and egregiousness of the legislation. However, these amendments stood the test of the University Grants Commission Act and eventually received the governor's assent.

In 2020, the Chhattisgarh University Act, 1973 was amended twice. The first Chhattisgarh University (Amendment) Bill, 2020 inserted three main changes with regard to appointments. The first was with regard to the appointment of the vice-chancellor by the chancellor; the second inserted the mode of removal of the vice-chancellor, and the third amended Schedule II of the Act by including within it the newly formed districts of Chhattisgarh. The Pandit Sundar Lal Sharma (Open) University, Chhattisgarh (Amendment) Act, 2020 and the Indira Kala Sangeet Vishwavidyalaya (Amendment) Bill, 2020 also incorporated the same changes with regard to the mode of appointment and removal of the vice-chancellor. The matter of appointment and removal of the vice-chancellor as per the provisions of the amendment would be based on the state government's recommendations to the chancellor and would, thereby, formally deprive the governor of any say in the appointment process.

The second Chhattisgarh University (Amendment) Bill, 2020 changed the name of the Bastar University to Shaheed Mahendra Karma University, Bastar. The amendment came on the heels of the anniversary of the Jhiram Ghati Massacre.¹⁸ This forms a part of the process of memory making, and what may even be termed by some as a process of 'distorting' history and sanctifying the image of Mahendra Karma—a Congress politician who pioneered the *Jan Jagran Abhiyan* in the Bastar Division. The *Jan Jagran Abhiyan* established special police officers (SPOs). These officers were the "backbone" of the *Salwa Judum*¹⁹, which went from village to village threatening *adivasis* to join their ranks. The SPOs were mainly *adivasi* men and women, who either willingly, or by inducement or threat joined the ranks of the *vigilante force*. They killed, slaughtered, maimed, arsoned, raped and destroyed as they swept through the forests and villages of Bastar. The *Salwa Judum* was disbanded by the supreme court on July 5, 2011 by way of judgment in *Nandini Sundar v. State of Chhattisgarh*.²⁰

16. Originally, education was a subject in the state list. In the year 1976, education was shifted to the concurrent list by the Constitution (Forty-second Amendment) Act, 1976.

17. Prior to the introduction of the bills in the state legislature, the governor in her capacity as the chancellor appointed Baldev Bhai Sharma as vice-chancellor of Kushabhau Thakarey University and re-appointed Vans Gopal Singh as vice-chancellor of Pandit Sundarlal Sharma Open University. Both the vice-chancellors appointed/reappointed have demonstrated right-wing ideology and ideological affiliations and are considered to be close to the Bharatiya Janata Party (BJP). Infact, Baldev Bhai Sharma has a history of being an editor of 'Panchjanya', a mouthpiece of the *Rashtriya Swayamsevak Sangh* (RSS) and has also written a biography of a former RSS *Sarsangh chalak*.

K.S. Sudarshan, "Will Seek President's Views: Chhattisgarh Governor on Pending Bills", July 10, 2020, *The Hindustan Times*: available at: <https://www.hindustantimes.com/india-news/will-see-president-s-views-chhattisgarh-governor-on-pending-bills/story-6mn0FTWVY2E7wmRp7eYr5H.html> (last visited on Jan.13, 2022).

18. The Jhiram Ghati incident of May 25, 2013 changed the political landscape of Chhattisgarh. An entire convoy of State Congress Party members was attacked by the Naxalites (Maoists). 26 Congress party members were shot down and killed in the incident and the entire Congress leadership of the state was wiped out.

19. Nandini Sundar, "Pleading for justice", *Seminar*, 2010, available at: https://www.india-seminar.com/2010/607/607_nandini_sundar.htm (last visited on March 6, 2022).

20. (2011) 7 SCC 547.

The second amendment to the Chhattisgarh Universities Act in 2020 also universalised the provisions amended in Schedule II of the Act to be applicable to all new universities.

The Chhattisgarh Open University (Amendment) Act, 2020 included more courses such as life sciences, library science and insurance within the courses offered by Shri Shankaracharya Professional University with the view that vocational courses would allow students to feel empowered and enhance their prospects of gaining employment.

In another move, the Congress government vide the Chhattisgarh Kushabhau Thakre Journalism and Mass Communication University (Amendment) Bill, 2020 made changes to the original legislation and changed the name of the Kushabhau Thakre University to “Chandulal Chandrakar Journalism and Mass Communication University”. Kushabhau Thakre belonged to the BJP and Chandulal Chandrakar was a journalist belonging to the Congress party in Chhattisgarh. Similarly, the Chhattisgarh Kamadhenu University (Amendment) Bill, 2020 also made changes to the basic structure of the legislation, changing the name of the university from Chhattisgarh Kamadhenu University to Dau Shri Vasudev Chandrakar Kamdhenu University. The intention of the original Act was to set apart the university from all other universities. It was named Kamdhenu to honour the university’s vibrant history of participating in farmers’ struggles and contributing to the agricultural and farming sector through research, invention and innovation.

The Regulation of School Fees: Ripples of the Pandemic

One of the consequences of the COVID-19 pandemic was the extraordinary pressure faced by parents of children studying in private schools. The pandemic resulted in a colossal decline of earnings of several people from different strata of the society. Schools had to switch to the virtual mode introducing e-learning to adapt to the safety needs of the times. Significant and arbitrary fee hikes were reported across private schools in the country. In fact, over 39 percent of parents of children studying in private schools in five states reported that they had to pay hiked fees for the academic year of 2020-2021.²¹ Several states including Delhi, Rajasthan and Gujarat, legislated on private school fees to ensure respite to the families of children studying in these institutions.

Chhattisgarh was also one of the states which drafted and passed the Chhattisgarh Private School Fee Regulation Act, 2020 along with the Chhattisgarh Private School Fee Regulation Rules, 2020 to ensure the strict implementation of the Act. The Act prescribes for fee-committees to be constituted for a term of two years²² and representation of parents and guardians in them so that the latter could have a say in the fees charged. These committees were set up at three levels—state, district and school. The state-level committee frames policies and issues directions around the levy of fees within private schools to guide the district and school-level committees in determining the fees of private schools.²³ The committees also have the power to hear grievances of the parents and the school administration on

21. “Of the states involved in the survey, Bihar, Chhattisgarh, Jharkhand and Uttar Pradesh issued notifications directing schools to not hike their fees or pressurise parents in making fee payments during the lockdown. Odisha issued an appeal from the CM’s office requesting schools to consider reducing/deferring payment of fees. Despite notifications and pleas from state governments directing private schools to consider reduction/deferment of fees during the lockdown, 39% parents reported having to pay hiked fees for the upcoming academic year.” Oxfam India, “Status Report—Government and Private Schools during Covid-19: Findings of Rapid Surveys,” (September, 2020).

22. The Chhattisgarh Private Schools Fee Regulation Act, 2020, s. 6.

23. The Chhattisgarh Private Schools Fee Regulation Act, 2020, s.9.

issues concerning fees. These committees enjoy powers of a civil court in such regard.²⁴ By instituting penalties, the Act can penalise any member of the committee, or school or any stakeholder for violating the provisions of the Act. Thereafter, as under section 15 of the Chhattisgarh Private Schools Fee Regulation Act, 2020, the state legislature also brought into force the Chhattisgarh Private Schools Fee Regulation Rules, 2020. The rules primarily deal with the process of nomination and removal of members of the committee at the state, district and school levels. They also provide for the process of fixing the fee in each school.

The Swami Atmanand English Medium School Scheme

In November 2020, the Chhattisgarh government also launched the Swami Atmanand English Medium School Scheme. The schools impart education in English medium and are established with a view to ensuring that all children of *merit* belonging to economically weaker backgrounds have access to study in English schools and have an equal opportunity to compete for jobs. Currently, 53 schools have been launched by the state government in Chhattisgarh. Several of these schools have replaced the already existing government schools in the area, leaving children and parents in the lurch. As these schools start from senior grade, while children are still being imparted education in Hindi language upto the fifth standard, children have to struggle very hard to make the transition. This sudden change, instead of improving education in the designated areas, seems to have debilitated the existing education infrastructure.

Local Government

Seven out of the 36 legislations enacted were with regard to local administration, housing and town planning. Out of these, a fresh new legislation, *viz.* the Chhattisgarh Plastic and Other Non-Biodegradable Material (Regulation of Use and Disposal) Bill, 2020 was also passed by the Chhattisgarh state.

The Act gives the government the power to issue notifications to levy restrictions, prohibitions, regulation and management of the use, manufacture, sale, purchase, storage and distribution of non-biodegradable material in the state.²⁵ It also prohibits open littering of biodegradable and non-biodegradable material in any public place, drain, ventilation, shaft, pipe and fittings or any water source, or wetland²⁶ and burning of non-biodegradable garbage.²⁷ The competent authority also has the power to ensure compliance with the Act by directing the owner or occupier of any premise to pay for the costs of garbage removal and any further action if necessary. It also prescribes punishment for companies if they do not comply. Furthermore, it makes non-compliance of the Act a criminal offence to be tried summarily by a court not below the rank of the judicial magistrate first class and enhances the penalty for habitual offenders. In this context, it must be mentioned that Chhattisgarh was awarded the title of ‘the cleanest state’ in India.

Budget and Taxation

A total of seven bills were passed by the Chhattisgarh government in 2020 in relation to budget and budgetary allocation. Further, it passed four laws with regard to taxation in 2020. Two of them were amendments of the State Goods and Services Tax Act.

24. The Chhattisgarh Private Schools Fee Regulation Act, 2020, s.10.

25. The Chhattisgarh Plastic and Other Non-Biodegradable Material (Regulation of Use and Disposal) Act,2020, s. 3.

26. The Chhattisgarh Plastic and Other Non-Biodegradable Material (Regulation of Use and Disposal) Bill, 2020, s. 4.

27. The Chhattisgarh Plastic and Other Non-Biodegradable Material (Regulation of Use and Disposal) Bill,2020, s.5.

Scheduled Tribes and Scheduled Caste Development

Four bills were passed by the Department of Scheduled Tribes and Scheduled Caste Development. All the amendments passed dealt with the membership of the commissions established under the respective Acts, including the Chhattisgarh State Backward Classes Commission, Chhattisgarh State Minorities Commission, Chhattisgarh State Scheduled Caste Commission and Scheduled State Scheduled Tribes Commission with a view to increasing membership within them. It provided for each commission to have six members, of which the vice-chairperson and chairperson would be appointed from among the members of such communities by the state government; as for the remaining four, it was not mandatory for them to be from the minority communities. While the Minorities Commission Amendment Act provides for the four members to be nominated from amongst eminent, qualified and dignified persons, the Scheduled Castes Commission (Amendment) Act provides for the four members to be appointed from those who have special knowledge in matters related to scheduled castes. Earlier these commissions had no more than three members who may or may not include the chairperson and vice-chairperson. This composition was seen as a hurdle to justice delivery for those who have been oppressed by casteism, communalism, socio-political and economic inequalities. In many ways, the increase of membership in the commissions responds to the civil society's demand for strengthening such commissions in Chhattisgarh, for there is a large population of religious minorities²⁸ in the state and a significantly high prevalence of caste-based atrocities and communal violence, particularly against Christian communities in the state. In what can only be considered a move that severely compromises the autonomy of these commissions, the amendment also includes a provision which allows for incumbency to be dependent on the state government's whim. Further, there have been no reforms in police structures and no sensitization initiatives. The lack of adequate representations continues to plague the justice system for minorities. The law against boycott has continued to remain in cold storage since 2016.²⁹

Agriculture and Co-operatives

In 2020, four bills were introduced and passed by the Chhattisgarh state legislative assembly in the sector of agriculture. Three of them were amendments to the Chhattisgarh Krishi Upaj Mandi Act, 1972, which were introduced and passed in the second, the fourth and the fifth session of the assembly. In the sector of co-operatives, two amendments in the Chhattisgarh Co-operatives Societies Act were passed and also an amendment ordinance. As for the controversial farm laws which did away with the Agricultural Produce Market Committees (APMC) in all states, the Chhattisgarh government responded by declaring the entire state to be an APMC/*mandi*.

A large population of Chhattisgarh comprises farmers, agricultural labourers and those allied to agriculture. In fact, around 80 percent of employment in the state, considered to be the rice bowl of India, is dependent on agriculture. Under the Seventh Schedule (Article 246) of the Constitution,

28. As per census 2011, Chhattisgarh has a population of 2.56 crores, an increase from the figure of 2.08 crores in 2001 census. Hinduism is majority religion in the state of Chhattisgarh. Hinduism constitutes 93.25 percent of Chhattisgarh population. Islam is the second most popular religion in Chhattisgarh. Muslim population in Chhattisgarh is 5.15 lakhs, 2.02 percent of the total 2.56crores. Christian population in Chhattisgarh is 4.91 lakhs, 1.92 percent of the total 2.56 crores. Census Organisation of India, "Chhattisgarh Religion Census 2011" (2011) available at: <https://www.census2011.co.in/data/religion/state/22-chhattisgarh.html> (last visited on Feb.13, 2022).

29 The Prohibition of Social Boycott Bill, 2016.

“agriculture” is mentioned under entry 14 of the state list and “markets and fairs” are mentioned under entry 28. Agricultural marketing in most states is regulated by the APMCs or the *mandi* established by state governments under the respective APMC Acts of the state. These *mandis* were introduced in the 1950s to protect the farmers from being exploited by retailers through the scheme of the minimum support price (MSP). The *mandi* further provided a government-regulated system for the farmers and vested them with bargaining power to transact on seeds, labour and produce among other things. In many ways, the APMC and the MSP go hand-in-hand and the demand for regularised MSP has remained one of the primary demands of farmers. As an electoral promise, the Congress manifesto for election, therefore, squarely placed the fixation of MSP for paddy at Rs 2,500 per quintal and maize at Rs 1,700 per quintal.

On September 27, 2020, the president gave assent to the three farm bills, including the Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, and the Essential Commodities (Amendment) Act, 2020 after they had been introduced and passed by the lower house. The Farmers Acts, particularly the Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act effectively restructures the entire process of the APMC by allowing anyone with a PAN card to buy farmers’ produce in the ‘trade area’ outside the markets notified or run by the APMCs. Buyers do not need to get a licence from the state government or APMC, or pay any tax to them for such purchase in the ‘trade area’. These changes in regulations raised concerns regarding the kind of protections available to farmers in the ‘trade area’ outside APMC markets, particularly in terms of the price discovery and payment. Without the fixation of MSP and the absence of a parliamentary legislation to this effect, the vulnerability of the farmers only gets further compounded. The central Farm Acts also restricted the state government from levying market fee, cess or any other charges on the trade of farmers’ produce outside of APMC, thereby excluding the state from charging a fee in ‘trade areas’.

A special session was conducted by the Chhattisgarh assembly to extend protection to the farmers from the impact of the central laws. The Assembly passed the Chhattisgarh Krishi Upaj Mandi (Sanshodhan) Act, 2020. The Act allowed the state government to notify structures outside the APMC markets, which would include, but were not limited to, go downs, cold storages, and e-trading platforms as deemed markets, and allowed the state to levy fees, cess and other charges, since such markets were deemed to be under the fold of the APMC. This enabled the state to levy a market fee on sale of farmers’ produce in such deemed markets and required the buyer have a licence. The bill declared the entire state as a market for selling agriculture produce and also nullified the centre’s farm laws that allowed private players to directly buy produce from farmers while maintaining state control over the conducting of markets outside of designated APMC zones.

The Amendment Act could be seen as a move to keep all camps happy as it incorporated demands of both the state APMCs, and the private market. However, the amendment, while declaring that there will be both government and private *mandis* in the state, glossed over the realities of the declining APMC system in Chhattisgarh, and the vulnerabilities of the farmers in the absence of MSP. Notably, the MSP has until now been under the domain of executive orders of the centre. However, farmers believe that, in the absence of any parliamentary legislation to regularise the MSP, initiatives by the state government are required urgently. The Amendment Act also notably incorporates provisions of e-auction and private auction. It postponed the sale of grains to the first of December from the first of November of every year without provisioning for early yield crops. Thus, the law may have gained political traction, but it failed to respond to the needs of the farmers.

Executive Orders Addressing the Pandemic

The Chhattisgarh government did not engage in formal law-making processes to combat the COVID-19 pandemic and, unlike several states, it did not introduce any state amendments to the Epidemic Diseases Act, 1897. However, it passed the Chhattisgarh Epidemic Diseases, COVID-19 Regulations, 2020 exercising the administrative powers granted to it under sections 2, 3 and 4 of the Epidemic Disease Act, 1897. Through these regulations, Flu/COVID-19 services were mandated in all health facilities, including those governed by the state, centre, PSUs and private hospitals for screening of suspected cases, and documentation and quarantine of detected cases. These guidelines were in addition to and not in derogation of the guidelines issued by the government of India.

Particularly, the guidelines framed by Chhattisgarh vested the collectors of each district with the role and responsibility to take stock of the needs of their respective districts and to accordingly make executive decisions such as closure of schools and *anganwadis*. This decentralisation effort did not have any major impact on the ground as the larger decision-making power remained with the centre. Collectors chose to wait for the guidelines from the centre instead of exercising their own discretion.

Concluding Remarks

There are two common threads that run throughout the law-making processes and the policies adopted by Chhattisgarh in 2020: firstly, that of a deliberate and concerted move towards decentralisation of power and administrative and decision-making responsibility; and secondly, that of a move towards a more punitive framework by introducing penal provisions in several legislations. Decentralisation has been lauded as a significant step in the policy framework of the state, primarily because it takes stock of the distinct needs of each district of the state. Vesting administrative and executive powers in the most “local” stakeholder, decentralisation responds to the specific needs of the significantly large and diverse territory of Chhattisgarh. In several ways, the implementation lagged in 2020, but it has nonetheless been lauded as a positive step forward by all groups within the state. It is interesting that the policy of decentralisation also pushes back against the centre’s policy on centralising and accumulating legislative, executive and administrative decision-making powers. The second thread that runs through the entire law-making process, especially those that relate to new laws and guidelines, is the insertion of penal provisions for non-compliance. Since the penal provisions are for petty crimes, they may most likely disproportionately affect those who occupy marginalised socio-economic status.