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CHHATTISGARH

AURIF MUZAFAR*

Introduction

The year 2023 marked the end of the Congress government in Chhattisgarh. It ran its term of five years after being elected to power in 2018. The end of 2023 also saw the Bharatiya Janata Party (BJP) coming to power in Chhattisgarh after registering a stunning performance in the assembly elections.

In the poll year, therefore, little activity was observed in the Chhattisgarh Assembly, apart from issues such as enhanced reservation for various disadvantaged groups and the bill for the protection of media persons, which had previously been discussed with much passion by the Congress party and equally strong opposition from the BJP. Social justice issues, including reservation in the education sector and public services for the citizens of the tribal state, occupied the centre stage of the discussions. The ruling Congress party alleged that the Governor had been sitting on the reservation amendment bills by not signing them even days after passing them in the assembly.¹ The Assembly also passed a law for the protection of media persons in Chhattisgarh. In a state marred by conflict and counterinsurgency, reporting and truth-telling often become challenging, thereby taking a toll on press freedom.

The Quantitative Survey

The year 2023 was eventful, as it witnessed incidents ranging from the assembly being adjourned *sine die* to a discussion on a no-confidence motion that lasted a record 14 hours. Over the course of the year, the Assembly held a total of 23 sittings across three sessions.

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¹ The Indian Express, *Chhattisgarh governor shouldn't sit over quota Bills 'for eternity', govt ready for court fight: CM Baghel*, December 28, 2022, available at <https://indianexpress.com/article/india/chhattisgarh-governor-quota-bills-eternity-govt-ready-court-fight-bhupesh-baghel-8349220/> (Last visited on May 18, 2025).

The first session (15th overall), however, was a continuation of the December sitting of the previous year in which bills relating to reservations were passed. When the ruckus was created over the Governor's indifference to the bills, the Assembly was finally adjourned in the first session of 2023.

The Assembly sat for a total of 136.4 hours during the three sessions, making the year 2023 one in which the Assembly ran for more than 172 hours.² The time spent in the Assembly in 2023 was also higher than the Assembly's annual average of almost 121 hours in its five-year tenure. The 15th, 16th and 17th sessions of the Chhattisgarh Assembly ran from January 2-6, March 1-24, and July 18-21, respectively. This period saw the introduction of 19 bills, all of which were passed in the Assembly. However, the 15th session of the Assembly was cut short after the speaker, Dr Charan Das Mahant, adjourned the Assembly *sine die*. The adjournment followed the suspension of 12 BJP members when they entered the well of the House, disrupting the proceedings.³ It is pertinent to note that no ordinances were promulgated during the year.

The Application of Central Laws

In the exercise of its powers under Article 341(2) of the Constitution of India,⁴ Parliament amended the Constitution (Scheduled Castes) Order, 1950, to include the 'Mahra' and 'Mahara' communities of Chhattisgarh in the list of Scheduled Castes(SCs).⁵ The 'Mahra' community had not previously been recognised alongside the already existing castes — namely the 'Mahar', 'Mehar', and 'Mehra' communities — and was consequently deprived of the constitutional benefits accorded to the SCs in Chhattisgarh. The various caste surnames are taken to be synonymic variations of the 'Mahar' community, and the Amendment Act is said to benefit thousands of people in the State.⁶ These groups enjoyed the benefits of reservation before Chhattisgarh was carved out from Madhya Pradesh in 2000, but were

² PRS Legislative Research, *5th Chhattisgarh Legislative Assembly (2018-2023)*, available at <https://prsindia.org/legislatures/states/functioning-of-chhattisgarh-5th-assembly-2019-2024> (Last visited on January 25, 2024).

³ Daily Pioneer, *BJP legislators tear bills, House adjourned sine die*, January 5, 2023, available at <https://www.dailypioneer.com/2023/state-editions/bjp-legislators-tear-bills--house-adjourned-sine-die.html> (Last visited on May 18, 2025).

⁴ Article 341(1) empowers the Parliament to add or remove any caste, race or tribe or part of or group within any caste, race or tribe from the list of Scheduled Castes with respect to any State or Union Territory.

⁵ The Constitution (Scheduled Castes) Order (Amendment) Act, 2023.

⁶ The Hindu, *Bill in Lok Sabha to add two synonyms for Mahar community in Chhattisgarh to State's Scheduled Castes list*, July 24, 2023, available at <https://www.thehindu.com/news/national/other-states/bill-in-lok-sabha-to-add-two-synonyms-for-mahar-community-in-chhattisgarh-to-states-scheduled-castes-list/article67116284.ece> (Last visited on December 15, 2023).

excluded from the purview of reservation in the newly founded state. These demands were turned down in 2008, 2013, and 2016. The redressal of deprivations caused by “mere phonetic variations” was carried out by the Union government at the recommendation of the Chhattisgarh government. The recommendation was based on a socio-economic survey conducted across the state.⁷ The Act received presidential assent on August 12, 2023, after being passed in the Lok Sabha and Rajya Sabha on August 1 and August 9, respectively.

Qualitative Analysis

The Legislative Assembly of Chhattisgarh passed laws aimed at social reform, the upliftment of the homeless persons, the protection of media personnel, and affirmative action. However, not all the laws received the governor's assent, sparking controversy and even leading to the suspension of the assembly business. The following sections analyse the implications of the enacted laws for the state of Chhattisgarh.

On Matters Controversial

The winter session of the Chhattisgarh Assembly ran from January 2 to January 6, 2023. It was an extension of the 15th session of the Assembly. The 15th session was a two-day special session held on December 1 and 2, 2022, in which the Chhattisgarh Public Service (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Bill, 2022 and the Chhattisgarh Educational Institutions (Reservation in Admission) (Amendment) Bill, 2022 were unanimously passed in the House. Chief Minister of Chhattisgarh, Bhupesh Baghel, tabled the bills on the second day of the special session, demanding an increase in the quota to 76% in the State. The two bills aimed to increase the reservation quotas to 32% for Scheduled Tribes (STs), 27% for Other Backwards Classes (OBCs), 13% for Scheduled Castes (SCs), and 4% for the Economically Weaker Section (EWS) category in public employment and admissions to educational institutions. It may be noted that the population of OBCs in Chhattisgarh is an overwhelming 43.5 per cent, while the SCs and STs stand at around twelve and thirty-one per cent of the total population.⁸ The

⁷ Sumi Rajappan, India Today, *Hope for Chhattisgarh's Mahra and Mahara communities as bill advances in Parliament*, July 28, 2023, available at <https://www.indiatoday.in/elections/chhattisgarh-assembly-polls-2023/story/history-of-the-struggles-of-chhattisgarh-mahar-community-mahra-mahara-bill-sc-list-2413210-2023-07-28> (Last visited on December 15, 2023).

⁸ Abhay Regi, The Caravan, *The 2023 Chhattisgarh Election Explained*, November 29, 2023, available at <https://caravanmagazine.in/politics/explainer-chhattisgarh-2023-assembly-election> (Last visited on December 15, 2023)

existing cap of reservations is fourteen per cent for the OBCs, twelve per cent for the SCs and thirty-two per cent for the STs.⁹

The bills were met with fierce opposition from members of the BJP in the Assembly, who questioned the timing of the bills and raised the query that the matter was already pending before the Supreme Court of India. It was in May 2023 that the Supreme Court (SC) stayed a 2020 decision of the Chhattisgarh High Court invalidating the Chhattisgarh government's decision of 2012 seeking to raise the reservation quota to 58% in government jobs and admissions in educational institutions.¹⁰ The Chhattisgarh High Court had called the 2012 amendment unconstitutional for breaching the fifty per cent ceiling limit.¹¹ As of now, the Chhattisgarh High Court order has been stayed, and the matter is pending before the Supreme Court.

Continuing from where the Assembly's functioning had left off in December of the previous year, the reservation issue again rocked the Chhattisgarh Assembly, leading to the suspension of eleven opposition BJP members after they attempted to enter the Well of the House. While the Congress party members raised the matter of delay in signing the bills during Zero Hour, the opposition members called it a "constitutional breakdown", criticising the ruling party for "making derogatory remarks against the Governor." This was followed by a writ petition before the High Court of Chhattisgarh by the government alleging delay in assent to two bills related to reservation by the office of the Governor, resulting in the High Court seeking a reply from the governor's secretariat on the issue.¹² The High Court later stayed its own order after the governor's office demanded that the previous order be recalled, citing Article 361 of the Constitution of India, which protects the governor from appearing in the court. In its letter to the Court, the governor's office also claimed a breach of rules, stating that the government is itself supposed to represent a governor in the court.

⁹ Ritesh Mishra, Hindustan Times, *Is governor waiting for 'muhurat' to sign reservation bills, asks Chhattisgarh CM*, January 24, 2023, available at <https://www.hindustantimes.com/cities/others/is-governor-waiting-for-muhurat-to-sign-reservation-bills-asks-ch-garh-cm-101674537733453.html> (Last visited on December 15, 2023)

¹⁰ The Wire, *SC Stays Chhattisgarh HC Order Squashing 58% Reservation In Jobs, Educational Institutes*, May 2, 2023, available at <https://thewire.in/law/chhattisgarh-58-percent-reservation-supreme-court> (Last visited on December 15, 2023).

¹¹ The Wire, *'Unconstitutional': Chhattisgarh HC Sets Aside 58% Reservations in Jobs, Education*, September 20, 2022, available at <https://thewire.in/law/unconstitutional-chhattisgarh-hc-sets-aside-58-reservations-in-jobs-education> (Last visited on December 15, 2023).

¹² Ritesh Mishra, Hindustan Times, *Chhattisgarh governor expresses displeasure over writ petition on reservation bills*, February 10, 2023, available at <https://www.hindustantimes.com/cities/others/chhattisgarh-governor-expresses-displeasure-over-writ-petition-on-reservation-bills-101676015960480.html> (Last visited on December 15, 2023).

Of Matters Political

The Assembly passed the Chhattisgarh Protection of Media Persons Act, 2023, on March 23, 2023. In his poll promise in 2018, Bhupesh Baghel hinted at bringing about legislation for the protection of journalists in Chhattisgarh.¹³ The legislation was finally passed in 2023.¹⁴ The Act provides for the “prevention of violence against media persons while carrying out their duties as media persons...” It also provides for the prevention of “damage or loss of property of media persons or media institutions...” The Act defines a “media person who requires protection” as a “registered media person facing threats of harassment, intimidation or violence while discharging his professional duties...”

According to the Act, a person who is a resident of Chhattisgarh and is practising journalism in the state with experience of one year with at least six published articles or three photographs in a given time or has received three payments in the preceding six months for covering news or is accredited by the Government as a journalist is eligible to register as a media person in the register of media persons maintained by the government. The decision on the registration applications is to be made by a committee constituted by the government, which will also have the power to cancel such registrations. The Act also provides for the establishment of a committee known as the Chhattisgarh Media Freedom, Protection and Promotion Committee to address complaints of harassment, intimidation, violence, or unfair prosecution or arrest. Interestingly, the committee will comprise retired policemen, bureaucrats, a prosecuting officer, and three media persons, aiming to “improve the standard of mass media by providing protection to media persons.”

The movement of the people of Chhattisgarh to protect their lands from the spectre of “development” and corporatisation has been met with brute force by the Indian state.¹⁵ Being rich in mineral resources makes Chhattisgarh vulnerable to the cultural imaginations of the “centre”, which has its own justifications for carrying out the destruction of resources and displacement of the indigenous people in the name of development. The expansionist policies of the state have been met with great resistance from the indigenous people,

¹³ Ritesh Mishra, Hindustan Times, *Chhattisgarh plans law to protect scribes*, December 22, 2018, available at <https://www.hindustantimes.com/india-news/chhattisgarh-plans-law-to-protect-scribes/story-KRVaMKVrvbcKcF7ZvpcbdO.html> (Last visited on December 15, 2023).

¹⁴ The Chhattisgarh Protection of Media Persons Act, 2023, Act No. 14 of 2023.

¹⁵ Manjusha Nair, *Between land and the market: farmers' mobilizations in Chhattisgarh and western Uttar Pradesh* in GLOBALIZATIONS, October 20, 2022, <https://doi.org/10.1080/14747731.2022.2131287> ; See also, Aritra Bhattacharya & Ajeet, Article 14, In Chhattisgarh, *Adivasis Allege State Coercion, Demand Lawful Mining At One Of India's Richest Iron-Ore Mines*, December 5, 2022, available at <https://www.article-14.com/post/in-chhattisgarh-ativasis-allege-state-coercion-demand-lawful-mining-at-one-of-india-s-richest-iron-ore-mines-638d843756fb8> (Last visited May 19, 2025).

triggering a violent response from the machinations of the state.¹⁶ The counterinsurgency grid of Chhattisgarh has created an epidemic of human rights violations in the past, sometimes by even arming marginalised civilians to kill each other.¹⁷ Carrying out the war discreetly and avoiding media attention has pitted the state against even journalists and media personnel reporting on the war. To curtail freedom of speech and fair reporting on the larger political issue and human rights violations, the government expects media persons to treat the fight with Maoists as a “national security issue, and not raise any questions about it.”¹⁸ In this context, the Chhattisgarh Protection of Media Persons Act, 2023, passed by the Chhattisgarh Assembly in 2023, assumes significant importance.

While the law for the protection of media persons may have some significance in a conflict zone, considering the incidents of attacks on journalists, it is baffling to observe how the state, opposed to critical reportage, can protect media persons.¹⁹ The Congress government that brought about the law has consistently threatened journalists and arrested them for criticising the government during its tenure.²⁰ In his analysis of the Act, Paarth Pande explains its flaws, given that India ranks poorly in the World Press Freedom Index.²¹ The Act also has provisions of punishment for journalists who engage in “wrongdoings” and those responsible for spreading “fake news”. This gives the state the power to arrest reporters for information it does not desire to become public.²² It is difficult to say, therefore, whether the law will enhance the free speech guarantee and protect the media persons engaged in reporting in the restive state.

¹⁶ See generally Arundhati Roy, *WALKING WITH THE COMRADES* (Penguin: 2011).

¹⁷ Salwa Judum was a counterinsurgency movement started by the government in 2005 by arming civilians to counter the Naxalite insurgency and resulted in gross human rights violations in Chhattisgarh. See, *Nandini Sundar vs State of Chhattisgarh*, AIR 2011 SC 2839.

¹⁸ Scroll, 'Not a single journalist working without fear or pressure': Editors Guild on Bastar, March 29, 2016, available at <https://scroll.in/article/805866/not-a-single-journalist-working-without-fear-or-pressure-editors-guild-on-bastar> (Last visited on December 15, 2023).

¹⁹ Jayprakash S Naidu, The Indian Express, *Mukesh Chandrakar murder: A 2023 Chhattisgarh law to protect journalists remains unimplemented*, January 10, 2025, available at <https://indianexpress.com/article/political-pulse/mukesh-chandrakar-murder-chhattisgarh-law-journalists-unimplemented-9771976/> (Last visited May 18, 2025).

²⁰ Ayush Tiwari, NewsLaundry, *Is it harder to do journalism under Congress than BJP in Chhattisgarh?* July 20, 2022, available at <https://www.newsLaundry.com/2022/07/20/is-it-harder-to-do-journalism-under-congress-than-bjp-in-chhattisgarh> (Last visited on December 15, 2023).

²¹ Paarth Pande, The Leaflet, *Chhattisgarh's new law for safeguarding journalists' rights: Does it do enough?*, June 9, 2023, available at <https://theleaflet.in/chhattisgarhs-new-law-for-safeguarding-journalists-rights-does-it-do-enough/> (Last visited on December 15, 2023).

²² NewsLaundry, *Two journalists arrested in Raipur after complaint from Congress MLAs*, October 27, 2021, available at <https://www.newsLaundry.com/2021/10/27/two-journalists-arrested-in-raipur-after-complaint-from-congress-mlas> (Last visited on December 2023).

Towards Curbing “Social Evils”

The first session of the Chhattisgarh Assembly in 2023 also saw the passage of a law prohibiting gambling and online betting. The Act is aimed at curbing physical and online gambling “to prevent the consequential financial trouble on the families in the State of Chhattisgarh...” ‘Betting and gambling’ is a state subject under the Constitution of India.²³ Therefore, in the exercise of this power, the Chhattisgarh Assembly enacted the law to prohibit gambling.²⁴

The Act defines gambling as wagering or betting, or wagering or betting, through online modes for financial gain and excludes lottery from its definition. Gambling includes the transactions to wager or bet and the collection of such bets intended to aid or facilitate wagering or betting. It defines “online gambling” as the involvement of online gaming in any form or of digital combination through mobile, computer or online systems.

“Game of skill” and “game of chance” are differentiated as the outcome of the former being determined by the “knowledge, training, expertise and experience of the participant,” while the latter being determined by chance and luck. The Act gives the police power to search or apprehend without any warrant any person found gambling, suspected of gambling, or aiding or abetting gambling in a public place. Gambling in public places shall be liable to imprisonment for any term of up to six months, or a fine of not less than three thousand rupees but not exceeding ten thousand, or both. The penalty for owning, keeping, or having charge of a gambling house shall be a term of up to three years and a fine that may extend to fifty thousand rupees. For a subsequent offence, the imprisonment may extend to five years, and a fine of up to one lakh rupees may be imposed. The presence in a gambling house is made punishable with imprisonment, which may extend to six months, or a fine of ten thousand rupees or both. The Act also punishes the printing or publishing of digits, signs, symbols or pictures relating to Worli, Matka and Satta. Similarly, online gambling is made punishable by imprisonment of up to three years and a fine, which may extend to five lakh rupees. A second offence shall make a person liable for imprisonment, which may extend to seven years, and a fine, which may extend to one million rupees. Advertisements of gambling games on print and electronic media are prohibited under the Act and may invite a punishment of up to three years and a fine of fifty thousand rupees.

The legislation was enacted following a report by the 21st Law Commission in 2018, which recommended regulating betting and gambling. The Commission undertook the task in

²³ The Constitution of India, 1950, Schedule VII, List II, *State List*, Item 34 (Betting and Gambling).

²⁴ The Chhattisgarh Gambling (Prohibition) Act, 2022, Act No. 4 of 2023.

pursuance of a 2016 directive of the Supreme Court of India asking it to examine the possibility of such a law.²⁵ Noting that it is the state's prerogative to enact such laws, the Law Commission recommended that the Union formulate a model law, which the states could then adopt.

The Assembly also passed The Cigarettes and Other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply and Distribution) (Chhattisgarh Amendment) Act, 2021, to amend the original legislation. Aiming to curb drug addiction among youth, the amendments to the Act originally passed in 2003 now criminalise the setting up of hookah bars in Chhattisgarh. A “hookah bar” was defined to mean such places where people gather to smoke tobacco or other flavours from community hookahs or narghile, provided individually or in groups. As a result, the amended legislation prohibits the opening and operation of hookah bars in all places, including restaurants and bars. The police and excise officers are authorised to seize any material used for the purpose of setting up or running hookah bars. The running of a hookah bar is a cognisable and non-bailable offence and may invite a punishment of up to three years and a fine of fifty thousand rupees. Smoking through a hookah in a hookah bar is punishable with a fine of up to five thousand rupees.²⁶

On Social Justice and Land Laws

The Chhattisgarh Assembly, in 2023, sought to remove certain difficulties in applying its land revenue laws to the urban areas of Chhattisgarh by virtue of the Chhattisgarh Leasehold Rights to the Homeless Person of Urban Areas Act, 2023.²⁷

Section 4(1) of the Act allows for the ejection of homeless people in possession of land in any public park or road or places of public interest, and in lieu of such ejection, to obtain the rights of a government lessee, provided they are covered by the Act's definition of an “eligible person”. An “eligible person” under the Act is a domicile of Chhattisgarh, registered in the urban bodies electoral roll and homeless. Besides, their annual income must not surpass 2,50,000 rupees, and they should not have any family members in government or professional services. The right over the land is not heritable and does not pass on the death of the possessor by inheritance or survivorship. Thus, a government lessee is not entitled to

²⁵ Law Commission of India, *Legal Framework: Gambling And Sports Betting Including In Cricket In India*, Report No. 276, (July 2018).

²⁶ Section 21B, The Cigarettes and Other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply and Distribution) (Chhattisgarh Amendment) Act, 2021, Act No. 1 of 2023.

²⁷ The Chhattisgarh Nagariya Kshetron Ke Awashen Vyakti Ko Pattadhriti Adhikar Adhiniyam, 2023, Act No. 7 of 2023.

hold land as a *Bhumi swami*.²⁸ Consequently, a hamlet or house where such homeless persons are settled may be shifted in the interest of the public, and their pattadhriti right cancelled.²⁹

The Act provides for appeal, review or revision against an order of dispossession. A government lessee is prohibited from making a partial or complete transfer of the land. Any transfer of the land in contravention of the terms under the Act will make the person effecting the transfer lose rights over the land from the date of the transfer of the land. After a period of ten years of acquiring the right to become a government lessee, a person may acquire a free-hold right over the property. While the legislation has paved the way for homeless people in urban areas to claim a right to property after being displaced, by linking the entitlement with displacement, it has also legalised displacement.

The Chhattisgarh Municipal Corporations Act, 1956, was amended to direct municipal corporations to construct plots and houses for the economically weaker and lower classes. The Act reserves a certain percentage of homes for the weaker sections of society in all residential colonies developed by builders.³⁰

On Taxation Matters

The Assembly passed the Chhattisgarh Settlement of Arrears of Tax, Interest and Penalty Act, 2023, to provide for the settlement of arrears of tax, interest and penalty levied, payable or imposed under various major tax laws, such as the Chhattisgarh General Sales Tax Act, 1958, Chhattisgarh Commercial Tax Act, 1994, Central Sales Tax Act, 1956, Chhattisgarh Value Added Tax Act, 2005, Chhattisgarh Professional Tax Act, 1995, and other minor laws.

The Act makes both registered and unregistered persons eligible to apply for the settlement of tax arrears, as well as the interest or penalty thereon. Subsequently, the designated committee may issue an order of settlement after verifying the application. It may also dismiss the application after verification of the particulars of such an application. This shall follow the settlement of the prescribed amount within fifteen days of the issue of such an order. The settlement of the amount determined by the committee shall make the applicant eligible for the issuance of a settlement certificate, which shall clearly indicate that the applicant is not liable to pay any tax, interest, or penalty and is not subject to prosecution. The Act provides for an appeal to the Commissioner of the Commercial Tax in the State

²⁸ Section 181, The Chhattisgarh Land Revenue Code, 1959.

²⁹ Pattadhriti right is the right of a government lessee and is not heritable.

³⁰ The Chhattisgarh Municipal Corporation (Amendment) Bill, 2023. Available in Hindi at: https://prsindia.org/files/bills_acts/bills_states/chhattisgarh/2023/BillNo.1of2023CHG.pdf (last accessed on 29 December 2025).

against the order of the “designated committee”, which shall settle such arrears of tax, interest, or penalty under the Act.

The Chhattisgarh Goods and Services Tax (Amendment) Act, 2023, was also passed to amend the provisions regarding input tax credit. Input tax credit refers to the Goods and Services Tax paid by a registered taxable person on any purchase of goods and services for the purpose of carrying out business. To prevent incorrect input tax credits, the time limit has been extended by the amendment. Even a registered person shall not be entitled to input tax credit if they do not possess a tax invoice, debit note, or a document issued by a registered supplier. The registration clause has been amended to authorise the “appropriate officer” to cancel the registration of a person on the contravention of any of the provisions and rules of the Act. Where the return has not been furnished for three consecutive tax periods in case of composition levy and other than composition levy for a continuous period of six months, or where a voluntarily registered person has not commenced business within six months from the date of registration, or registration has been carried out by wilful falsification and fraudulent means, the appropriate officer may cancel their registration.

Other Issues

The Assembly also passed the Chhattisgarh Legislative Assembly Member Salary, Allowance, and Pension (Amendment) Act, 2023³¹, to enhance the salaries of retired members of the elected body. The pensions were raised from ₹35,000 to ₹58,300, with an additional increase of ₹ 1,000 per month after completion of one year of their term. The former legislators also saw a hike in their travel expenditure, telephone use and other personal services. The state government will bear an additional financial burden of Rs 169600000 annually for this salary hike of the ex-legislators.³²

The Indian Stamp Act, 1899, as applicable to the State of Chhattisgarh, was amended to include the definition of e-stamp or electronic stamp to mean “any electronic or digital record or its impression on paper created to specify the payment of stamp duty.”³³ Similarly, the definitions of terms like “stamp”, “market value”, “capped”, and “market value guidelines” were defined to usher in greater accuracy in the use of terminology. In other changes, the Amendment Act has enhanced the penalties payable in the event of a shortfall in stamp

³¹ Act No. 9 of 2023.

³² Nidhi Sharma, *The Economic Times*, *Poll-bound Chhattisgarh announces salary hikes, Rajasthan pension hikes & jobs*, July 21, 2023, available at <https://economictimes.indiatimes.com/news/politics-and-nation/poll-bound-chhattisgarh-announces-salary-hikes-rajasthan-pension-hikes-jobs/articleshow/101995879.cms?from=mdr>, Last visited on May 19, 2025.

³³ The Indian Stamp (Chhattisgarh Amendment) Act, 2023.

duty payment and also made provision for charging interest on the shortfall. The State could make the amendment because the entry on stamp duties is included in the Concurrent List.³⁴

The Budget Analysis

The 2023 budget was expected to be poll-centric, and on the lines of winning the voters of Chhattisgarh for the ruling party, and so it was. While the Congress called it a “budget of trust”, the opposition said it was a “hypocritical budget”, raising issues of unemployment and the state going into what they called a “loan economy”. The annual state budget of Rs 1,21,500 crore for 2023-24 was tabled in the Assembly on March 6, 2023. The “budget of trust” saw an increase in the honorarium for Anganwadi workers, helpers, home guards, and Mitanin community health workers. An unemployment allowance of Rs 2500 was sanctioned for the educated unemployed youth of the state. Light metro service was announced to be introduced from New Raipur to Durg. The Rajiv Gandhi Rural Landless Agricultural Labourers Nyay Yojana was set to be extended from rural areas to Nagar panchayat areas, benefitting the landless labourers of the state with annual financial assistance of Rs 6,000. In the education sector, an announcement was made for the opening of more than a hundred schools, with an overall budget of Rs 870 crore.

Delegated Legislation

Data suggest that no ordinances were promulgated in Chhattisgarh during 2023.³⁵ The Chhattisgarh Nagariya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Niyam, 2023 or the Chhattisgarh Leasehold Rights to the Homeless Person of Urban Areas Rules, 2023, were passed to authorise the officers of the state government to work towards the implementation of the Act.³⁶ The authorised officers shall be responsible for registering homeless persons after granting them leasehold rights. The authorised officer has the power to determine the leasehold rights in all disputed and undisputed matters. The rules provide for documents, including the voter card, the Aadhaar card, the driving license, and other government-issued documents required for verification regarding the possession of land by homeless persons. The rules thus serve as a bureaucratic rule book for the officers

³⁴ The Constitution of India, 1950, Schedule VII, List III, *Concurrent List*, Item 44 (Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty).

³⁵ PRS Legislative Research, The Wire, *In Charts: How the Chhattisgarh, MP, Mizoram, Rajasthan, Telangana Assemblies Functioned*, October 10, 2023, available at <https://thewire.in/politics/in-charts-how-the-chhattisgarh-mp-mizoram-rajasthan-telangana-assemblies-functioned> (Last visited on December 8, 2025).

³⁶ Act refers to the Chhattisgarh Nagariya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Adhiniyam, 2023 or the Chhattisgarh Leasehold Rights to the Homeless Person of Urban Areas Act, 2023.

of the state government to determine the implementation of the Act granting leasehold rights to homeless persons in the State of Chhattisgarh.

Conclusion

The year 2023 was eventful, marked by the installation of a new government in Chhattisgarh on December 13, 2023. The BJP won the assembly elections by a vast majority and will run the state for the next five years. The laws passed in the preceding year had many different inclinations but were hardly geared towards the welfare of the poor and the dispossessed in the state. An analysis of the 2023 budget is a good indication of how policies are designed to achieve short-term returns. The policy of Mukhyamantri Gramin Awas NYAY Yojana, aimed at providing houses to poor people, was not announced until the elections were near, even though the Chhattisgarh government claimed that the centre was not releasing funds to Chhattisgarh in the central government scheme of Pradhan Mantri Awas Yojana (PMAY).³⁷ Interestingly, the first decision of the newly installed BJP government in Chhattisgarh was the announcement of the Pradhan Mantri Awas Yojna, the funding of which had not been released for the poor people of the state during the Congress rule.³⁸ Being a non-BJP government, the ruling government had often cited the indifference of the centre towards the state even when the state was contributing more to the country in terms of coal and steel production.³⁹ Even laws like the Chhattisgarh Protection of Media Persons Act, 2023, which were promised to a certain section of society, placed more restrictions on journalists in the restive state than enhanced the freedom of speech and expression guaranteed in the Constitution. Similarly, no legal protection has been extended to protect the vulnerable Adivasis as corporations eye more extraction and dispossession.⁴⁰ Following the enactment of the Mineral Laws (Amendment) Act, 2020, the central

³⁷ Jayprakash S Naidu, The Indian Express, *Chhattisgarh government launches own housing scheme for state's homeless families*, September 26, 2023, available at <https://indianexpress.com/article/india/chhattisgarh-government-housing-scheme-homeless-families-8956467/> (Last visited on December 15, 2023).

³⁸ The Indian Express, *CM Sai-led Cabinet's first decision: 18 lakh poor to get PM Awas*, December 15, 2023, available at <https://indianexpress.com/article/india/cm-sai-led-cabinets-first-denancedecision-18-lakh-poor-to-get-pm-awas-9068928/> (Last visited on January 15, 2024).

³⁹ The Indian Express, *Chhattisgarh is contributing more, but not getting as much in return: Baghel*, January 18, 2023, available at <https://indianexpress.com/article/india/chhattisgarh-is-contributing-more-but-not-getting-as-much-in-return-baghel-8387891/> (Last visited on December 15, 2023).

⁴⁰ Natasha Trivedi, IndiaSpend, *Chhattisgarh Adivasis Rue Loss Of Land*, October 28, 2023, available at <https://www.indiaspend.com/adivasi/chhattisgarh-adivasis-rue-loss-of-land-879971> (Last visited on December 20, 2023).

government has authorised itself to auction coal mines in the state, with deleterious consequences on the poor and dispossessed in the State.⁴¹

In its promises and schemes, the new government feels obligated to fulfil the promises the prime minister has made for the State. Apart from giving houses to the poor under PMAY, the government has approved the free annual visit of 20,000 people to Ayodhya for darshan at the Ram Temple.⁴²

The allocation of federal powers in the Constitution is political party neutral. The powers need to be exercised in the same way irrespective of whether the political party in power at the centre are same or different. However, as Chhattisgarh demonstrates, this is not the situation on the ground, whether in the allocation of resources from the Centre or in the ease with which legislative proposals obtain approval from the Union government, states who are administered by the same party as the party at the Centre are treated differently who are ruled by political parties who are in the opposition at the Centre.

⁴¹ Nikita Agarwal, *Chhattisgarh*, THE ANNUAL SURVEY OF STATE LAWS IN INDIA, 35 (2022).

⁴² Hamza Khan & Anand Mohan J, The Indian Express, *Lok Sabha polls on the horizon, new CMs focus on welfare push: All that they have announced*, January 29, 2024, available at <https://indianexpress.com/article/political-pulse/lok-sabha-polls-on-the-horizon-new-cms-focus-on-welfare-push-all-that-they-have-announced-9132603/> (Last visited on January 31, 2024).