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MADHYA PRADESH

GUNJAN JENA*

Introduction

Madhya Pradesh has a unicameral legislature, namely the Vidhan Sabha, with a total of 230 seats, with 116 seats required for a majority. The 14th and 15th sessions of the 15th Vidhan Sabha of Madhya Pradesh were held in 2023. The 14th Session was held from 27 February 2023 to 27 March 2023. The 15th Session was held from 11 July 2023 to 15 July 2023.¹ After the elections held in November 2023, the new 16th Vidhan Sabha took oath and had its first session from 16 December 2023 to 20 December 2023. The data for the functioning of the Vidhan Sabha of Madhya Pradesh has been drawn from the website of the Madhya Pradesh Vidhan Sabha with occasional reference to the PRS' resources.²

The legislative activity of the Madhya Pradesh Vidhan Sabha in 2023 has to be seen within a larger context of State assembly elections which were held in 2023, and a strong desire to comply with the Parliamentary legislative agenda. There were a total of three sessions of the Madhya Pradesh Vidhan Sabha in 2023. The first session was held in February and March 2023, and the second in July 2023, which was the last session of the 15th Madhya Pradesh Vidhan Sabha, whereas the session held in December 2023 was the first of the 16th Vidhan Sabha.

After the assembly elections, the first session of the 16th Vidhan Sabha was held in December 2023. While there was no change in the governing party with the ruling BJP coming back to power with a larger majority than previously held, there was a new Chief Minister—Shri Mohan Yadav—who took over from a four-time Chief Minister, Shri Shivraj

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¹ Madhya Pradesh Vidhan Sabha Statistical Summary of Monsoon Session (11th to 15th July, 2023) and Madhya Pradesh Vidhan Sabha Statistical Summary of Budget Session (27th February to 27th March 2023), available at <https://mpvidhansabha.nic.in/stats/stat15vs.htm> ("Official Statistics") (last visited on 15th January 2024)

² 15th Madhya Pradesh Assembly (2018-Present), PRS Legislative Research, available at <https://prsindia.org/legislatures/states/functioning-of-madhya-pradesh-15th-assembly> (last visited on 15th January 2024)

Singh Chauhan. However, it was the former CM who led the ruling party's campaign for a renewed mandate at the Vidhan Sabha elections in 2023.³

This focus on elections is borne out by the number of days of the session with the February March session being held for 12 effective days of functioning with 44 hours 57 minutes of actual legislative work carried out, including the laying of the budget, whereas the July session which was five months before the assembly elections was only held for 2 days of effective functioning with 2 hours and 30 minutes of actual legislative activity.⁴

Moreover, the legislative actions of the Madhya Pradesh government have often been carried out without significant or notable opposition from members of the legislature and often without any discussion. Given the synergy of the executive and the legislature, and the role of the 2023 assembly elections, the survey has also looked at the manner in which executive actions are reflected in the legislative agenda.

Election Spotlight: Economic Revival and Unemployment

As has been the case since the pandemic, the focus on economic revival continued, and the favoured means of achieving it being the relaxation of laws that regulate economic activity, labour protections and environmental protection. This reflected a larger trend in Indian governance, including at the national level where laws for protection of citizens against labour malpractices⁵, environmental degradation⁶ and corporate accountability have increasingly been sidestepped, or otherwise, relaxed in an effort to attract greater investment, especially in industrialisation and low-cost manufacturing.⁷ As has been the

³ The New Indian Express, 'Mama' Shivraj Chouhan emerges as hero of BJP's victory in Madhya Pradesh assembly polls, December 04, 2023, available at

<https://www.newindianexpress.com/nation/2023/Dec/03/mama-shivraj-chouhan-emerges-hero-of-bjps-victory-in-madhya-pradesh-assembly-polls-2638406.html> (Last visited on 15 January 2024).

⁴ *Supra* Official Statistics note 1.

⁵ Bhasker Tripathi, *Relaxing Labour Laws Can't Help Industry In The Long Run; Formalising The Economy Can*, India Spends, Available at <https://www.indiaspend.com/relaxing-labour-laws-cant-help-industry-in-the-long-run-formalising-the-economy-can> (last visited on 24 September 2025).

⁶ Sumedha Pal, Newslick, *Modi 2.0: Same Destructive Policy on Environment?*, 3rd June 2019, Available at <https://www.newslick.in/Environment-Ministry-Indian-Forest-ACT-Prakash-Javadekar-Deforestation> (last visited on 24 September 2025);

Leo F. Saldanha, Frontline, *Modi government's new environmental laws a threat to India's biodiversity and forests*, 5th August 2023, Available at <https://frontline.thehindu.com/environment/primed-for-plunder-modi-government-new-environmental-laws-biological-diversity-act-forest-conservation-act-a-threat-to-india-biodiversity-and-forests/article67158366.ece> (last visited on 24 September 2025).

⁷ TK Rajalakshmi, Frontline, *Amendments to labour laws under the Modi government: No love for labour*, 7th August 2019, Available at <https://frontline.thehindu.com/the-nation/article28757774.ece> (last visited on 24 September 2025) Also see-NDTV, *India To See "Big-Bang" Reforms In PM Modi's Second Term: NITI Aayog*, 31st May 2019, Available at <https://www.ndtv.com/india-news/india-to-see-big-bang-reforms-in-pm-modis->

case since 2020 the union government's national level policies were often immediately reflected in the steps taken by the state government. One reason for focussing on manufacturing is due to the fact that Madhya Pradesh has continued to struggle economically despite continuing GDP growth. This was revealed by the Madhya Pradesh Economic survey 2022-2023, which was released just before the budget session of the Vidhan Sabha in February-March 2023.⁸

As per the Centre for Monitoring Indian Economy Data 2022, the unemployment rate in Madhya Pradesh was 3.2%,⁹ which was middle of the pack as far as Indian states are concerned. Further, ground reports from journalists and others indicate widespread discontent due to unemployment.¹⁰

Moreover, in addition to economic factors complicating job creation, there were several instances of irregularities in government recruitment with question paper leaks in government recruitment examinations¹¹— including examinations for nurses¹² and revenue department staffers and agricultural officers¹³ — thus further complicating the employment and job creation landscape.

second-term-niti-aayogs-rajiv-kumar-2045846 (last visited on 24 September 2025), and Akshaya Baru, Asia Policy Society Institute, *Modi's Second Term Economic Development Roadmap*, 13th January 2020 Available at <https://asiasociety.org/policy-institute/modis-second-term-economic-development-roadmap> (last visited on 24 September 2025)

⁸ Madhya Pradesh State Planning Commission, Madhya Pradesh Economic Survey 2022-2023.

⁹ Amit Vasudev, Deccan Herald, *MP Assembly polls: How state fares in employment, healthcare, education*, 10th November 2023 available at <https://www.deccanherald.com/elections/madhya-pradesh/mp-assembly-polls-how-state-fares-in-employment-healthcare-education-2764589> (Last visited on 15 January 2024). Also eg Omar Rashid, The Wire, *Madhya Pradesh | Across Castes, Political Beliefs, Two Common Concerns: Inflation and Unemployment*, available at <https://thewire.in/rights/madhya-pradesh-election-jobs-unemployment> Last visited on 15 January 2024)

¹⁰ *Supra* Omar Rashid (Last visited on 15 January 2024). Also see NDTV Profit Desk, *Madhya Pradesh's Economic Survey Shows Unemployment and Debt Rising*, 9th March 2022 available at <https://www.ndtvprofit.com/business/madhya-pradesh-economic-survey-2812110> (Last visited on 15 January 2024)

¹¹ Kashik Kakvi, NewsClick, *Getting Govt Jobs in Madhya Pradesh Becoming a Distant Dream*, 5th January 2024 available at <https://www.newsclick.in/getting-govt-jobs-madhya-pradesh-becoming-distant-dream> (Last visited on 15 January 2024)

¹² Press Trust of India, News Careers 360, *MP: Nurse recruitment exam question paper found leaked; eight held*, 8th February 2023, available at <https://news.careers360.com/mp-nurse-recruitment-exam-question-paper-found-leaked-eight-held> (Last visited on 15 January 2024)

¹³ Ravish Singh, India Today, *Patwari exam: Retired High Court judge to probe 'scam', submit report by August 31*, 23rd July 2023, available at <https://www.indiatoday.in/india/story/madhya-pradesh-patwari-exam-retired-high-court-justice-probe-case-submit-report-2408998-2023-07-19> (Last visited on 15 January 2024) and Rakesh Dixit, The Wire, *Vyapam 2.0? Allegations of Recruitment Scam Resurface in Madhya Pradesh.*, 13th July 2023 available at <https://thewire.in/government/vyapam-fresh-allegations-recruitment-scam-madhya-pradesh> (Last visited on 15 January 2024)

These priorities are reflected in the legislative agenda of the Vidhan Sabha with the vast majority of legislative activity being directed at incentivising investment and industrialisation through deregulation and increasing the “ease of doing business”. This is part of a larger suite of reforms that have been carried out and put in place since the COVID-19 pandemic in 2020 and the need for an economic revival afterwards.¹⁴ It is further seen in the amendments made by the State government to the laws regulating universities in an attempt to enable appointments from amongst government officials.¹⁵

Another interesting trend to see in this election year has been the reliance on executive action in the form of schemes and benefits targeted at women and other vulnerable demographics of society. The larger social context for this being that Madhya Pradesh continues to fare very poorly on several social economic indicators compared to the national average as well as to its neighbours, including the state of Chhattisgarh, which was carved out of Madhya Pradesh in 2001.¹⁶

“Bulldozer Justice” and a Rampant State

Further, the state government’s commitment to protecting the fundamental rights of its citizens has been under the scanner with extra-judicial and extra-legal demolitions of the residences and properties of citizens, becoming increasingly common as a tool of enforcement by law-and-order agencies, even in the absence of judicial rulings to that effect or of any legal backing for such demolitions.

2023 witnessed a continuation of extrajudicial property demolitions by local authorities. In January 2023 houses belonging to 2 businessmen were demolished for selling illegal kite string.¹⁷ Further, in June 2023, one adult and two juveniles were arrested on the basis of a complaint that they had spat on a Hindu religious procession and their houses demolished by the local administration without due process.¹⁸ Finally, in December 2023, the new chief

¹⁴ Nikhil Rampal, The Print, *High on growth, low on development — what ails the economy of Madhya Pradesh*, 23rd August 2023, available at <https://theprint.in/economy/high-on-growth-low-on-development-what-ails-the-economy-of-madhya-pradesh/1725277/> . (Last visited on 15 January 2024). Also, eg 1 ASSL (2022)

¹⁵ The Madhya Pradesh Medical University Amendment Bill, 2023, expands appointment criteria for registrars or controller of examinations to include government officials.

¹⁶*Id* Nikhil Rampal

¹⁷The Wire, *MP: Houses of Two People Selling 'Chinese Manjha' Demolished 7th January 2023*, available at <https://thewire.in/government/madhya-pradesh-chinese-manjha-house-demolished> (Last visited on 15 January 2024).

¹⁸Huneza Khan, The Wire, *Illegal, Dilapidated or Viral Video: Why Was a Muslim Man’s House Demolished in Ujjain?*, 22nd July 2023, available at <https://thewire.in/rights/muslim-man-house-demolished-ujjain-viral-video> (Last visited on 15 January 2024)

Minister Mohan Yadav ordered the demolition of the house of three men accused of attacking a BJP leader. This was in addition to large-scale demolitions of alleged illegal constructions, thus demonstrating that the new government would continue with the policies of the previous government with regard to the demolitions.¹⁹

It should be noted that despite regular instances of such demolitions, no member of the Vidhan Sabha has raised concerns regarding the same. It should also be noted that no existing law provides for demolition of housing structures due to the acts of residents or their owners and even in the case of illegal constructions existing laws in Madhya Pradesh and India would require due process to be followed as well as an appeals process.²⁰ While this survey is about critically describing the laws made in the survey year, this discussion has been included here to point out that an ASSL also needs to also take note of the laws that are needed but not made and the laws that are on the statute book but not followed.

Quantitative Survey

Given that it was an election year, the state assembly only functioned for a total of 14 days across 2 sessions. It also had the second highest number of days of functioning (12) in a single session in the 15th Vidhan Sabha, only one day short of the 3rd and 8th sessions held in 2019 and 2021 respectively. During this year and prior to the state assembly election, the Vidhan Sabha passed 13 bills in total. 6 of these Bills (including 2 appropriation Bills) were passed during the 12 day long 14th session and 7 of these bills were passed during the two day long 15th session without much discussion. After the election, the 1st session of the 16th Vidhan Sabha was held in December 2023.²¹

Out of the 13 bills passed in 2023, there were 3 Appropriation Bills which have not been covered here.

Qualitative Survey

¹⁹ Abhijeet Sen, India.com, *Madhya Pradesh: Houses Demolished, Meat Shops Closed In Anti-Crime, Law Drive As New Government Starts Action*, 15th December 2023, available at <https://www.india.com/news/madhya-pradesh-mohan-yadav-houses-demolished-meat-shops-closed-ujjain-bhopal-new-government-6589599/> (Last visited on 15 January 2024)

²⁰ As per the Final Order dated 1st February 2024 by Justice Vivek Rusia, in Writ Petition No 744 of 2023 before the Hon'ble High Court of Madhya Pradesh at Indore.- *"The illegal nature of the same has been recognised by the Madhya Pradesh High Court which in 2024 has ordered compensation to one such person whose house is demolished and further directed action against officials involved in the demolition of the same."*

²¹ List of Bills passed in 2023 by the Madhya Pradesh Vidhan Sabha, available at https://mpvidhansabha.nic.in/bill_2023.htm (Last visited on 15th January 2024)

Taxation and Economic Bills

The Madhya Pradesh Goods and Services Tax (Amendment) Bill, 2023²²

The Bill made changes in the State's GST framework primarily replicating the amendments replicating the amendments carried out at the central level.

The Act introduced new provisions to define and tax 'online money gambling' betting, casinos, gambling, horse racing and lotteries as 'specified actionable claims' making them liable to 28% GST on the full face value of bets placed. New Rules were added to the MP GST Rules to define the valuation of these services.

The Amendment Act also introduced changes in the eligibility and other conditions for obtaining input tax credit. The Act set up a three year limit for filing returns and statements but allowed for extensions upon specified conditions.

A new section(section 158A was introduced which allows consent based sharing of information furnished by taxable persons with other systems. This provision overrides the restrictions on information disclosure found in other sections of the Act. However the sharing can happen only after express consent of the tax payer. In further effort to enforce compliance new penalties for non-compliance have been introduced. An e-commerce operator allowing supplies through unregistered persons or failing to furnish correct information in returns can be penalised.

The Gwalior Trade Fair Authority (Amendment) Bill, 2023²³

This amendment bill was proposed on 17 March 2023, passed on 21 March 2023, in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 21 April 2023.

The Gwalior Vyapar Mela Pradhikaran Adhiniyam 1996 was an Act setting up the Gwalior Trade Fair Authority for regulation of the annual Gwalior Vyapar Mela. The Amendment bill decriminalises the offence of plying any trade or erecting any construction on fairgrounds without a license or permission from the Trade Fair Authority under section 12 and replaces the punishment for this offence with a fine of INR 5000 and for continuing offences, with further fine which may extend to rupees one hundred for every day after the date of first conviction during which the offender is proved to have persisted in such offence.

The Madhya Pradesh Establishment and Operation of Industries Simplification Bill, 2023²⁴

²² The Madhya Pradesh Goods and Services Tax (Amendment) Bill, 2023

²³ The Gwalior Trade Fair Authority (Amendment) Bill, 2023

²⁴ The Madhya Pradesh Establishment and Operation of Industries Simplification Bill, 2023

This amendment bill was proposed on 17 March 2023, passed on 21 March 2023 in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 4 April 2023 and thereby replaced the Madhya Pradesh Establishment and Operation of Industries Simplification Ordinance, 2023.

This bill intends to provide exemptions to newly established industrial units from obtaining specific approvals and inspections. The larger intention being to facilitate and encourage industrialisation by increasing ease of doing business. The bill achieves its stated intention by creating the mechanism of an acknowledgement certificate under section 7. An acknowledgement certificate functions as an approval for all applicable permissions, no objection certificates, approvals and certifications required to set up an industrial unit in Madhya Pradesh. Any person may approach the nodal agency under this bill for the setting up of an industrial unit in a notified area and seek an acknowledgement certificate for the same. This application must be in a form and manner to be specified by the nodal agency. The grant of an open acknowledgement certificate has the effect of an approval for a period of three years from the date of issue as per subsection 1 of section 8. Subsection (2) of section 8 further provides that any industrial units commencing commercial operations prior to the expiry of three years shall be required to obtain all necessary approvals before commencing operation. Subsection (3), however, states that no authority shall undertake any inspection in connection with any approval before the expiry of the three-year period, unless the unit applies for approvals or prior to the commencement of commercial operations.

The bill requires the setting up of a state-level empowered committee. SLEC, to designate industrial areas, assist industrial units, and facilitate dispute settlement. It designates the Madhya Pradesh Industrial Development Corporation Limited as the nodal agency.

Some of the laws whose operation is excluded under this bill include laws pertaining to the very basic safety and legal safeguards for workers and contract labourers and include the Factories Act Of 1948, The Contract Labour (Regulation And Abolition) Act, The Minimum Wages Act, The Payment Of Wages Act, The Gratuity Act, The Equal Remuneration Act, The Madhya Pradesh Shops And Establishments Act, The Legal Metrology Act, The Electricity Act, The Water Prevention And Control Of Pollution Act, The Air Prevention And Control Of Pollution Act And The Environment Protection Act.

It should also be noted that the bill provides no mechanism for surveillance of these industrial units in notified areas in order to ensure that commercial operations or not begun in violation of section 8 and that the approval is not abused as a *carte blanche* to subvert labour and environmental protections, besides worker safety laws. Further the bill defines

“commencement of commercial operation” as the date on which the industrial unit issues the first bill or invoice or tax invoice, which is entirely ignoring the manner in which industrial units may run or the fact that there are operations going on in an industrial unit even prior to the issuance of a tax invoice for goods or services rendered and also that a blanket approval without inspection such as has been provided under this bill, effectively allows and increases the space for violation and subversion of labour, safety and environmental laws without any mechanism for redressal.

Education Bills

The Madhya Pradesh Private University (Establishment and Operation) Amendment Bill, 2023²⁵

This amendment bill was proposed on 12 July 2023 by Mohan Yadav, and was passed on the same day in the 15th session of the 15th Vidhan Sabha, and received gubernatorial assent on 20 July 2023. This amendment bill recognises three more private universities, namely, Janodaya University, Neemuch, JNCT professional University, Bhopal, and Chirayu University, Bhopal.

The Madhya Pradesh Medical University (Amendment) Bill, 2023²⁶

This amendment bill was proposed on 12 July 2023, and was passed on the same day in the 15th session of the 15th Vidhan Sabha and received gubernatorial assent on 2 August 2023.

This amendment bill amends subsection (1) of section 12, which concerns the appointment of a vice chancellor. The new subsection one requires that the vice chancellor being chosen from amongst at least three persons recommended by the committee set up under subsection (2) or subsection (6). Further, it also provides that any such recommended person must have at least 10 years of experience as a professor at a university, or at least 10 years of experience as the head of a nationally renowned research institution or educational administrative body/agency.

Additionally, the amendment bill also replaces section 17 which concerns the appointment of registrar. Under the new section 17, the registrar shall be appointed by the state government only from amongst such persons who have served as a professor at an institution of higher learning or university for at least six years, or who have served at the rank of deputy secretary or equivalent for at least six years.

²⁵ The Madhya Pradesh Private University (Establishment and Operation) Amendment Bill, 2023

²⁶ The Madhya Pradesh Medical University (Amendment) Bill, 2023

Moreover, the amendment bill also replaces section 19 which concerns appointment of the controller of examinations. Under the new section 19, the controller shall be appointed by the state government only from amongst such persons who have served as a professor at an institution of higher learning or a University as a professor for at least 3 years, or who have served at the rank of deputy secretary or equivalent for at least 3 years.

In the absence of any discussions to this effect in the Vidhan Sabha, it is difficult to arrive at any conclusion as to why it was felt necessary to expand the appointment criteria for registrar and controller of examinations. To also include state government employees who are not professors or otherwise involved in academia. However, given previous reports of large-scale corruption concerning state services, examinations and university examinations in the state of Madhya Pradesh, this attempt at increasing state control within the universities invites considerable concern.

Decriminalisation

The Madhya Pradesh Investment Promotion (Amendment) Bill, 2023²⁷

This amendment bill was proposed on 12 July 2023, and was passed on the same day in the 15th session of the 15th Vidhan Sabha, and received gubernatorial assent on 10 October 2023.

The amendment bill was brought in to amend section 18 of the Madhya Pradesh Investment Facilitation Act of 2008. This section provides the penalty for non-compliance. Under the previous section 18, any entrepreneur found to be non-compliant with the conditions of the self-certification or of the conditions of the self certification given by the nodal agency would be subject to conviction and to a penalty which would extend to Rs.5000 for the first offence and a penalty of Rs.10,000 for any subsequent offence. The amendment act changes this to a penalty of up to Rs.50,000 for the first failure and of up to 1,00,00 rupees for any subsequent failure to be imposed by the competent authority. It also removes the requirement of cognizance by a court in the previous subsection (2) and thereby decriminalises non-compliance under the act while also increasing the penalty for such non-compliance.

This amendment may be seen as part of a larger trend of decriminalisation of economic offences in Madhya Pradesh.

For added context, the Act was enacted for the facilitation of new investments in industrial and other commercial projects by simplifying the regulatory framework, reducing procedural

²⁷ The Madhya Pradesh Investment Promotion (Amendment) Bill, 2023

requirements and rationalising documentation. This was undertaken by the creation of a combined application form and by allowing investors and entrepreneurs to submit self-certification to the nodal agency, stating their compliance with the applicable provisions of the relevant acts and rules. This was administered by a three tier framework of Apex committee, state level committee and district level committee, designated within the act with their duties and responsibilities also laid out within the act. The act also designated the nodal agencies for each level and the duties and responsibilities thereof.

The Madhya Pradesh Municipalities Laws (Amendment) Bill, 2023²⁸

This amendment bill was proposed on 13 March 2023, and was passed on the same day in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 18 April 2023. It amends the: (i) Madhya Pradesh Municipal Corporation Act, 1956 (the Municipal Corporation Act) and the (ii) Madhya Pradesh Municipalities Act, 1961 (Municipalities Act).

The Municipal Corporation Act and the Municipalities Act empower the municipal bodies to direct the owner or occupier of any building to construct or remove drains, small outdoor toilets, latrines, or urinals. Under both the Acts, any occupier who fails to carry out the specified construction/removal work may be fined up to Rs 1,000, or may be imprisoned for up to three months in case of non-payment of fine. This bill amends both Acts to remove the imprisonment, increases the maximum fine to Rs 5,000, and introduces a fine of up to Rs 200 per day for continued non-payment of fine.

Further, both Acts restrict begging for alms in a municipal area. Similarly, both Acts empower the respective municipal bodies to prohibit keeping of brothels and residence of persons practicing sex work in any specified part within their respective municipal area. The Bill removes these restrictions regarding begging and sex work.

Moreover, the Municipal Corporation Act empowers the Commissioner of a Municipal Corporation to prescribe routes for removal of corpses to burial or burning places. This bill removes this power and related offences.

The Madhya Pradesh Professional Tax (Amendment) Bill, 2023²⁹

This amendment bill was proposed on 12 July 2023, and was passed on the same day in the 15th session of the 15th Vidhan Sabha and received gubernatorial assent on 10 August 2023.

²⁸ The Madhya Pradesh Municipalities Laws (Amendment) Bill, 2023

²⁹ The Madhya Pradesh Professional Tax (Amendment) Bill, 2023

This amendment bill omits sections dealing with offences under this act and penalties for the same. Therefore, section 23 which lays out the offences under this act has been omitted section 24 which deals with offences committed by companies under this act has also been omitted. Consequently, section 26 which provided for a bar of prosecution where penalty had been imposed under the same Act in respect of the same facts has also been omitted.

A bare perusal of the Act as amended would make it clear that the Act no longer recognises violations of its provisions as offence. Further it also does not provide for an alternative enforcement or punishment mechanism. As may be seen with other bills covered in this survey and from the statement of objects and reasons of the amendment Act, this is part of Madhya Pradesh's larger drive to decriminalise violations of laws, regulating economic activity, in this case, including taxation.

Miscellaneous

Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Madhya Pradesh Amendment Bill, 2023³⁰

This amendment bill was proposed on 11 July 2023, and passed the next day in the 15th session of the 15th Vidhan Sabha and received presidential assent on 17 December 2023. This amendment act amends the Cigarettes and other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act 2003 in so far as it applies to the State of Madhya Pradesh. The primary intent of this Amendment Act is to prohibit and regulate the running of hookah bars. To that end, in section 3 of the principal act, a new definition for establishment has been inserted, including residential, hotels, restaurants, eating houses, or any other place of public amusement or entertainment, with the state government having the power to declare any other type of establishment as being an establishment under this subsection. Similarly, the definition of "hookah bar" is also inserted as clause (ea) and is defined as an establishment where people gather to smoke tobacco or other similar products from a communal hookah, which may be provided either individually or jointly. Section 4A prohibits the opening or running of any hookah in any place, including an eating House. It further adds section 13 A, which empowers police officers of the rank of sub-inspector or any other rank authorized by the state government to seize any material if he believes that the provisions of section 4A are being contravened. Section 21A provides that the punishment for running of hookah bars

³⁰ Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Madhya Pradesh Amendment Bill, 2023

shall be imprisonment for a term which may extend from between 1 to 3 years and a fine of Rs.50,000 which may extend to Rs.1,00,000. The new section 27A provides that any offence under section 4A shall be cognizable.

The Madhya Pradesh Landless Persons of Urban Areas (Grant of Leasehold Rights) Amendment Bill, 2023³¹

This amendment bill was proposed on 13 March 2023, and was passed on 21 March 2023 in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 18 April 2023. This bill amends the Madhya Pradesh Landless Persons of Urban Areas (Grant of Leasehold Rights) Act, 1984. The Act provides for the allocation of leasehold rights (for residential purposes) to landless persons in urban areas. Under the Act, any land occupied by a landless person in any urban area on December 31, 2014 shall be deemed to have been settled in his favour as on that date. This is subject to the person furnishing proof of residence in the urban area before 31 December, 2014 through: (i) a ration card, or (ii) testimony in writing from the Mohalla Committee certifying he has resided in the area before December 31, 2014. The amendment bill extends the cut-off date from December 31, 2014 to December 31, 2020.

Executive Lawmaking

Madhya Pradesh Electricity Balancing and Settlement Code 2023³²

The National Electricity Policy (NEP) requires the implementation of an Availability Based Tariff (ABT) at State level to establish a credible settlement mechanism for Intra-day power transfers. This mechanism was previously given effect by the Madhya Pradesh Electricity Balancing and Settlement Code 2015. However, due to the notification of the CERC (deviation settlement mechanism and related matters) Regulations 2022, there arose a requirement for a new code in order to properly implement ABT. Therefore, the Madhya Pradesh Electricity Balancing and Settlement Code 2023 was proposed and notified.

Conclusion: Deregulation and Decriminalisation

Madhya Pradesh continues to be an agricultural dominant state and economy which hampers its ability to generate jobs or to create high-paying work and also increases migration as skilled and semiskilled. Labour must migrate to other industrial centres for better opportunities. At the same time, the Madhya Pradesh Vidhan Sabha is held by the BJP, which is also the ruling party at the centre and as such the legislative agenda of the

³¹ The Madhya Pradesh Landless Persons of Urban Areas (Grant of Leasehold Rights) Amendment Bill, 2023

³² Madhya Pradesh Electricity Balancing and Settlement Code 2023

Vidhan Sabha clearly reflects the larger economic reforms and focus on ease of doing business of the Central Government. Further, this top-down approach is also reflected in the manner in which legislative business is conducted.

For example, the Madhya Pradesh Vidhan Sabha passed 10 bills in 2023. None of the bills were sent to committee or otherwise discussed in the Vidhan Sabha. In the two-day July session 7 bills were passed, including amendments to the Madhya Pradesh GST Act, the Professional Tax (Amendment) Bill, 2023 etc. were passed in the course of the 2 hours and 30 minutes of the session (including all questioning) without any discussion whatsoever of the consequences of each Bill.

In the budget session (the 14th session), most of the passage of the Bills were undertaken without a discussion or a reference to the relevant standing committees. The discussion in this session primarily focused on the annual budget and did not extend to the legislative agenda of the government- including the codification in law of the “reforms” envisaged in the Madhya Pradesh Establishment of Industries (Simplification) Bill 2023, which effectively hollowed out all codified labour and environmental protections granted under Indian law. Altogether, this survey reflects a growing push towards greater executive control of the legislature and a decline in the protection of the fundamental rights of citizens.