

## सूचना

शासनाने "सामाजिक उत्तरदायित्व विधेयकाचे" प्रारूप तयार केलेले आहे. सदर विधेयकाची माहिती जनतेला होण्यासाठी व यासंदर्भात जनतेच्या सूचना प्राप्त करण्यासाठी, सदर विधेयकाचे प्रारूप खाली नमूद केल्याप्रमाणे आहे. सबब, यासंदर्भात काही सूचना/अभिप्राय ज्या व्यक्ती अथवा संस्थांना देण्याची इच्छा असेल त्यांनी त्या श्री. संदीप बागची, प्रधान सचिव(साविस), सामान्य प्रशासन विभाग, १ला मजला, खोली क्र.१०२ (वि), मंत्रालय, मुंबई ४०० ०३२ या पत्त्यावर २ प्रतीत अथवा [sandeepbagchee@maharashtra.gov.in](mailto:sandeepbagchee@maharashtra.gov.in) या ईमेल पत्त्यावर दिनांक १० डिसेंबर, २००४ रोजीपर्यन्त कार्यालयीन वेळेत पाठवाव्यात.

ठिकाण : मंत्रालय, मुंबई  
दिनांक : २.११.२००४

( सुभाष दिगंबर )  
शासनाचे उप सचिव  
सामान्य प्रशासन विभाग  
मंत्रालय, मुंबई

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प्रस्तावित सामाजिक उत्तरदायित्व विधेयक  
Proposed Social Responsibility Bill

**L. A. BILL NO.            OF 2004.****A Bill**

to give statutory recognition and necessary legal framework for affirmative action by the State so as to bring about a social order and responsive governance in which Justice - Social, Economic and Political envisaged by the Constitution of India, shall inform all the institutions of the public life especially the weaker sections of the society; and for matters connected therewith or incidental thereto.

**WHEREAS**, in the preamble to the Constitution of India, the people of India have solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens JUSTICE – Social, Economic and Political, LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all; FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

**AND WHEREAS**, article 15 enshrined in the Constitution of India *inter alia*, confers power on the State to make any special provision for women and children and also make special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes;

**AND WHEREAS**, the directive principles of the State policy enshrined in the Constitution, *inter-alia*, lay down the principles fundamental in the governance of the country and cast a duty upon every State to apply these principles in making laws;

**AND WHEREAS**, article 38 embodying this principle specifically lays down, *inter-alia*, that the State shall strive to promote welfare of the people by securing and protecting as effectively as it may, a social order in which Justice – Social, Economic and Political shall inform all institutions of the national life and that the State shall, in particular, strive to minimise

the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations; and article 46 further provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation;

**AND WHEREAS** bench marking the status of development of various sections of society to assess the divides and inequalities in status of development and providing requisite policy, programme and funding support and assessing the effectiveness of such support and devising suitable system of incentives and disincentives for strengthening such support is necessary for effectively and expeditiously bridging such divides;

**AND WHEREAS**, a just and inclusive society alone can promote rapid, sustainable and meaningful economic growth and development;

**AND WHEREAS** it is the endeavour of the State of Maharashtra to promote through affirmative action a just social order in which social, economic and political justice as envisioned in the Constitution shall inform all the institutions of public life including the rural population of the State;

**AND WHEREAS**, the Government of Maharashtra has already taken several measures for implementing these directive principles of State Policy enshrined in the Constitution of India;

**AND WHEREAS**, the Government of Maharashtra is of the opinion that it is also necessary to give statutory recognition and provide necessary legal framework for affirmative action by the State so as to bring about a social order and responsive governance in which Justice - Social, Economic and Political shall inform all the institutions of the public

life and especially the weaker sections of the society and matters connected therewith or incidental thereto; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

Short Title,  
extent and  
commencement.

**1.**(1) This Act may be called the Maharashtra Social Responsibility Act, 2004.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,-

(a) "Authority" means the Special Social Responsibility Authority constituted under section 3;

(b) "Backward Class of Citizens" means such classes or parts of or groups within such classes as are declared, from time to time by the State Government, to be the other Backward Classes and *Vimukta Jatis* and Nomadic Tribes;

(c) "Civil Society Institutions" means, non- government philanthropic or other such social organisations committed to and working for, any social or public cause;

(d) "Government" means the Government of Maharashtra;

(e) "Departments" means the Government Departments and shall include all the subordinate offices, establishments and organisations under such Departments;

(f) "Development Indicators" means indicators of social, economic and physical development of individuals or groups of individuals as shown in Schedule - C and as may be specified or notified by Government, from time to time;

(g) "Life Cycle Approach" means an approach by which a chart is drawn up by Government to quantify socio-economic development of individuals belonging to different groups of society during each stage of life;

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(h) "local authority" shall have the same meaning as assigned to it under the Bombay General Clauses Act, 1904;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "private sector enterprises or undertakings" shall mean and include all private enterprises other than Government departments or Government instrumentalities as envisaged by or under article 12 of the Constitution of India;

(k) "rules" means rules made by Government under this Act;

(l) "Scheduled Castes" means such Castes, races or parts of, or groups within, such Castes, races or Tribes as are deemed to be the Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(m) "Scheduled Tribes" means such Tribes or Tribal Communities or part of, or groups within such Tribes or Tribal Communities as are deemed to be the Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India;

(n) "Social Justice Index" means the Social Justice Index prepared by Government under section 4;

(o) "Social Justice Day" means 26th day of July, being the birthday of Rajarshi Shahu Maharaj;

(p) "State" means the State of Maharashtra;

(q) "weaker sections" means the sections of society which are underprivileged, disadvantaged and under difficult circumstances and being as a group are at a lower level of achievement on different parameters of development and shall include Scheduled Castes, Scheduled Tribes, Backward Class of citizens, minorities, women, senior citizens, children, persons with disability and others as specified in Schedule A, as amended, from time to time, by Government by notification in the Official Gazette .

Explanation.- Weaker sections may lag behind others in one or more parameters, various weaker sections may lag behind in different parameters, individuals and groups in "weaker sections" may lag behind differently.

Preparation of Social Justice Index and Charter, Committee, Publication of Policy Framework and Social Justice Report.

**3.(1)** Notwithstanding anything contained in any other law for the time being in force, the State Government shall take all the appropriate and necessary actions subject to the resources at its disposal with a view to achieve progressively the full realisation of the objectives by all appropriate means, and prepare and implement such action plans and frame such policies as deemed necessary, for achieving the objectives and purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Government shall provide for the following actions, namely :-

(i) Government shall undertake or cause to be undertaken periodic, annual assessment of the nature, extent and the trend of the disparities or divides or inequalities in the various groups or sections of the society on the basis of the Social Justice Index.

(ii) Government shall prepare or cause to be prepared a Social Justice Index for the purposes of this Act so as to assess the nature, extent and trend of divides, disparities and inequalities in the society on the basis of various development indicators, selected on the basis of Life Cycle (including life time tracking) development approach, in the prescribed format and manner.

(iii) Government shall, -

Social Responsibility Charter, Policy etc.

(A) ensure that, every Government department and government instrumentality and every public authority and local authority including institutions aided and assisted by Government, prepares and declares an appropriate comprehensive Social Responsibility Charter or appropriate social security policies or programmes with reference to their respective work or activity, for the weaker sections, with specific time bound action plan, measures and targetted fund allocation for the enhancement of their level of development to achieve the benchmarked levels as

per 2 (iii) above and for overall upliftment of the standard or level of the weaker sections of the society, in the prescribed format and manner; and that for effective implementation of such policies or programmes necessary budgetary allocation is made by each such Department or instrumentality or authority on priority basis periodically; and that such budgetary allocation is properly expended for the assigned purposes:

Provided that, notwithstanding anything contained in any other law for the time being in force, the budgetary allocations made by such Department or instrumentality or authority for implementation of its respective social responsibility charter or policy shall subject to the committed liabilities, have priority over all other allocations or payments made by Government from the Consolidated Fund of the State.

(B) in consultation with and with the co-operation and assistance of various Civil Society Institutions endeavour that, private sector enterprise also prepares and declares an appropriate comprehensive Social Responsibility Charter or appropriate social security policies or programmes with reference to their respective work or activity, for the weaker sections and also in respect of their role and participation in Government endeavour to fulfill the objectives of this Act, with time bound action plans for the enhancement of their level of development and for overall upliftment of the standard or level of the weaker sections of the society.

Explanation.- The expression "Social Responsibility Charter" appearing in this clause, for the purposes of this Act shall mean the Charters drawn up by different Government Departments agencies or instrumentalities or private sector enterprises, specified in Schedule B as may be amended by Government from time to time,

containing appropriate policies and programmes for various groups with which such Department, agency, instrumentality or enterprise is concerned, to enhance their level of development to minimise acceptable level. Such Charter shall also indicate approach, standards of services, coverage and mechanism for its realisation, funding and support for individuals and various groups shall be provided based on their needs and shall also include the social responsibility charters or policies drawn up by private sector enterprises;

(iv) Government shall also benchmark or cause to be benchmarked at such periodicity as may be prescribed, the quality and efficiency in public services and formulate the time bound Public Services Excellence Plan and assess and monitor their effective implementation, by all concerned;

(v) Government shall, in consultation and co- ordination with, the Civil Society Institutions formulate guidelines and policy framework to establish and promote partnership between Civil Society Institutions, Private Sector Enterprises and Government so as to achieve the social order envisioned by this Act;

(vi) Government shall hold consultations with Civil Society Institutions and disseminate information about functioning of various schemes and programmes for weaker sections including information about funding, beneficiaries and results of inspection and evaluation;

(vii) Government shall,-

(a) evolve and declare State Governance Index;

(b) formulate responsive Governance Plan and monitor and assess its implementation;

(c) prepare and implement time bound programmes for capacity building of employees at all levels;

(viii) Government shall, in consultation and with the assistance of Civil Society Institutions and management of private sector enterprises set up a detailed procedure and mechanism for annual review of all the Social Responsibility Charters and social audit of Action Plans of all Government Departments and functionaries, all Government instrumentalities, local and public authorities including private sector enterprises;

(ix) Government shall, in consultation with and with the assistance of Civil Society Institutions also prepare and publish a policy framework to enforce necessary compliance and accountability by Government Departments and instrumentalities of their respective Social Responsibility Charter, based on social audit of enabling action plans, in the prescribed format which shall inter alia provide for , -

- (a) incentive plans to foster social responsibility plans or policy;
- (b) payment of grants and other benefits, on merits to public authorities and institutions for weaker sections and private sector enterprises for successful and effective implementation of the Social Responsibility Policies and Plans;
- (c) effective implementation of Social Responsibility Policies or Plans as a factor in awarding of Government Contracts or works:

Provided that, such policy framework, shall before publication, be laid on the floor of each House of the State Legislature, by Government.

(x) Performance budget of every Government Department shall include details of existing levels of development of various proofs and sections of weaker sections, prepared levels of achievements; specific schemes; programmes and measures prepared and targetted funding of the same.

(xi) Government shall publish on the Social Justice Day a comprehensive Social Justice Report in the prescribed format and after such publication, such report shall be laid on the floor of the both Houses of the State Legislature in the immediately following session of the State Legislature.

Special Social  
Responsibility  
Authority.

4.(1) Notwithstanding anything contained in any other law for the time being in force, for the purposes of this Act, the State Government shall, by notification in the Official Gazette, constitute a Special Social Responsibility Authority.

(2) The Special Social Responsibility Authority constituted under sub-section (1) shall consist of the Chairperson, Vice- Chairperson and such other Official and Non-official Members as prescribed:

Provided that, the number of members of the Authority shall not be more than fifteen and less than five, and there shall be not less than \*\* one/two woman member(s) on such Authority and the non- official members nominated on such Authority shall be from eminent and committed persons from the field of social justice.

\*\* Department  
to decide.

(3) The Secretary or Principal Secretary or Additional Chief Secretary in charge of the Social Development Co-ordination Division of the General Administration Department shall be the *Ex officio* Secretary of the Authority constituted under sub-section (1).

(4) The Authority shall exercise all the powers and discharge all the functions and duties of the Government , prescribed by or under this Act, subject to such general or special orders issued by the Government in that behalf from time to time.

(5) The Authority may also invite to its meetings and associate in its work or functions such other Department Officers and functionaries and representatives of Civil Society Institutions, as deemed necessary.

(6) The meetings of the Authority and procedure to be followed for the purpose shall be as prescribed:

Provided that, no act or proceeding of the Authority shall be questioned or shall be invalid only on the ground of the existence of any vacancy or defect, in the Constitution of the Authority or any defect in the nomination of a person as Non-Official Member or any irregularity in the procedure of the Authority including in issuing of notice for holding of a meeting, not affecting merits of the matter.

(7) The term of office of the Non- official Members of the Authority shall be such as may be prescribed:

Provided that, a Non-Official Member of the Authority may, at any time, by writing and addressed to the Chairperson resign from his office:

Provided further that, the Non-Official Member shall hold office during the pleasure of the Government .

(8) A Non- official Member of the Authority shall not receive any remuneration or sitting fees etc., but shall be entitled to receive travelling and daily allowances for attending the meetings of the Authority, at such rates as may be prescribed, by Government.

Act not in  
derogation of  
any other law.

**5.** The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Protection of  
action taken  
under this Act.

**6.** No suit, prosecution or other legal proceedings shall lie against the Government or the Authority or member thereof for anything which is in good faith done or intended to be done in pursuance of this Act or any Charter or rule or order made thereunder.

Rules.

**7.(1)** The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both

Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so, however that, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to remove difficulty.

**8.(1)** If any difficulty arises in giving effect to any provision of this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears it to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

## Schedule A

(See section 2 (g))

## Weaker Sections

The following classes shall be Weaker Sections:-

- (i) Beedi Workers
- (ii) Cane Cutters
- (iii) Construction Workers
- (iv) Quarry Workers
- (v) Weavers
- (vi) Power loom Workers, Farmers, Fishermen
- (vii) Farm Workers
- (viii) Rag Pickers
- (ix) Market Yard Workers
- (x) Hotel and Restaurant Workers
- (xi) Domestic Workers
- (xii) Persons with Disability
- (xiii) Displaced Persons
- (xiv) Victims of natural calamities and riots

Schedule B

*(See section 3 (2) (iii))*

Social Responsibility Charters

- (i) State Weaker Section Protection Charter
- (ii) State Drinking Water, Sanitation and Hygiene Charter
- (iii) State Education Charter
- (iv) State Nutrition and Health Care Charter
- (v) State Employment Charter
- (vi) State Habitation and Slum Improvement Charter

## **STATEMENT OF OBJECTS AND REASONS**

The preamble to the Constitution of India and the directive principles of the State policy enshrined in Part IV of the Constitution of India, inter-alia, emphasises the need to secure to all its citizens Justice – Social, Economic and Political. It is the endeavour of the Government of Maharashtra to bring about a social order envisaged by the Constitution of India in which justice informs all the institutions of public life; inequality of income and status, facilities and opportunities are minimised not only amongst individuals but also amongst the groups of people, residing in different areas or engaged in different vocations and to further ensure that educational and economic interests of the weaker sections of the people of the State of Maharashtra and in particular of the Scheduled Castes and the Scheduled Tribes and Other Backward Classes, women, children, elder persons, workers, unorganised sectors are promoted with special care; and social justice and all forms of exploitation are removed, as envisaged by article 38 of the Constitution. Government of Maharashtra also believes that promotion of agriculture and rural development should form the basis of social economic development. It further believes in development inequity and equity are both a social imperative as well as a key driver of economic growth.

2. As a major initiative towards realisation of this goal of a just and fair social order envisaged in the Constitution of India, Government of Maharashtra has already on the 20th March 2003 declared its ambitious plan to launch PROJECT UNITE, which would focus on the needs of the weak and disadvantaged sections of the society, to bring them in to mainstream and enable and empower them and thereby attempt to do away with the various divides in society of poverty, due to age, gender, health, occupation, location and caste. Now for achieving this goal of social justice and to

implement this scheme of PROJECT UNITE, and to give a concrete boost to this endeavour of the Government of Maharashtra to achieve a just and inclusive society, where every citizen is able to realise his full potential and share the benefits of development and enjoy their social, economic and civil rights, it is essential to give a statutory recognition and provide necessary legal framework by enacting an effective all comprehensive Social Responsibility Legislation as announced, for affirmative action by the State so as to bring about a social order and a responsive, transparent and clear governance for the State. The salient features of the proposed Social Responsibility Bill are as follows:-

(1) constitution of Social Responsibility Authority, which will be a high power authority, whose main functions would be to prepare Social Justice Index for the purposes of the proposed law so as to assess the nature, extent and trend of divides, disparities and inequalities in the society on the basis of various development indicators selected on the basis of Life Cycle (including life time tracking) development approach;

(2) to ensure that every Government Department and Government instrumentality including every public authority, local authority and other private sector enterprise or undertaking prepares and declares an appropriate comprehensive Social Responsibility Charter or policies or programmes with reference to their respective work or activities, for the weaker sections with time bound action plan for the enhancement of their level of development and for overall upliftment of the standard or level of the weaker sections of the society;

(3) to ensure effective implementation of such Social Responsibility Charters by Government Departments and

instrumentalities, and necessary budgetary allocation for such charters;

(4) to consult and coordinate with the Civil Society Institutions for formulation of guidelines and policy framework and to promote partnership between Civil Society Institutions and Government for achieving the social order envisaged by the proposed law;

(5) to evolve and declare State Governance Index and formulate responsive Governance Plan and monitor, and assess its implementation;

(6) to review of all the Social Responsibility Charters and social audit of Action Plans of all Government departments, functionaries and private enterprises;

(7) to prepare and publish a policy framework in consultation with various Civil Society Institutions and private sector enterprises or undertakings for ensuring necessary compliance and accountability by public authorities and other enterprises of their respective Social Responsibility Charters, and to provide other incidental and connected matters;

(8) to publish a Social Justice Report on the Social Justice Day.

The Bill seeks to achieve the above objectives.

Mumbai

Dated

Chief Minister.