

# **Rajasthan Bhamashah (Direct Transfer of Public Welfare Benefits and Delivery of Services) Act, 2017**

RAJASTHAN

India

## **Rajasthan Bhamashah (Direct Transfer of Public Welfare Benefits and Delivery of Services) Act, 2017**

### **Act 24 of 2017**

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Rajasthan Bhamashah (Direct Transfer of Public Welfare Benefits and Delivery of Services) Act, 2017(Act No. 24 of 2017)Statement of objects and Reasons. - With the objective of financial inclusion, transparent and efficient benefit transfer and to empower the women of the State, Bhamashah Scheme was launched in the State in the Year of 2008.Bhamashah Scheme, as an end-to-end service delivery platform to transfer cash and non-cash benefits to the targeted beneficiaries in a transparent manner, was re-launched in the Year of 2014 with broader objectives of financial inclusion, woman empowerment, direct transfer of public welfare benefits and efficient delivery of services to the beneficiaries.With a view to provide statutory institutional framework to the Bhamashah Scheme, the Rajasthan Bhamashah (Direct Transfer of Public Welfare Benefits and Delivery of Services) Bill, 2017 is proposed to be introduced. The Bill, interalia, seeks to provide for-(a) issue of Bhamashah Card with unique Bhamashah number as family identity;(b) creation of unique Bhamashah Resident Data Hub comprising of Bhamashah ID, Aadhaar number and Basic demographic and socio-economic data, entitlements and eligibility status of individuals and families under various beneficiary schemes;(c) measures pertaining to security, privacy and confidentiality of information in possession or control of the Authority including information stored in the Bhamashah Resident Data Hub;(d) direct transfer of cash and non-cash public welfare of the beneficiary and in case the benefits pertain to the family, direct transfer of such benefits to the account of woman head the family;(e) social audit of the official records pertaining to delivery of public welfare benefits;(f) requiring Aadhaar numbers/Bhamashah numbers for identification and authentication of beneficiary for delivery of public welfare benefits and services;(g) establishment of the Bhamashah Authority and provision of Registrars;(h) offences and penalties for contravention of relevant statutory provision.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.No. F. 2 (21) Vidhi/2/2017. - In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Bhamashah (Lok Kalyankari Prasuvudhaon ka

Seedha Antaran our Sevaon ka Paridaan) Adhiniyam, 2017 (2017 ka Adhiniyam Shankhyank 24 :-[Received the assent of the Governor on the 17th day of May, 2017]An Act to provide for women empowerment, financial inclusion, direct transfer of public welfare benefits and delivery of services to the beneficiaries through Bhamashah platform in efficient and transparent' manner, and for matters connected therewith or incidental thereto.Be it enacted by the Rajasthan State Legislature in the Sixty-eighth Year of the Republic of India, as follows:-Chapter-I Preliminary

## **1. Short title, extent and commencement.**

(1)This Act may be called the Rajasthan Bhamashah (Direct Transfer of Public Welfare Benefits and Delivery of Services) Act, 2017.(2)It shall extend to the whole of the State of Rajasthan.(3)It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

## **2. Definitions.**

- In. this Act, unless the context otherwise requires, (a)"aadhaar number" means an identification number of an individual issued under sub-section (3) of section 3 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Central Act No.18 of 2016);(b)"authentication" means the prescribed process wherein Bhamashah identity along with demographic information is submitted to the Bhamashah Platform for its verification and the Bhamashah Resident Data Hub verifies the correctness thereof on the basis of information or data or documents available with it;(c)"Authority" means the Bhamashah Authority established under section 17;(d)"Bhamashah identification number" means a unique Bhamashah identification number for identifying a family issued under section 3;(e)"Bhamashah Platform" means an electronic mechanism of interface between the resident and the Government department/government body created under the provisions of this Act;(f)"demographic information" means demographic information of Bhamashah card holder like name, age, gender, occupation, annual income, property and such other information as may be notified by the State Government from time to time;(g)"enrolment" means the enrolment of a family under section 3;(h)"enrolling agency" means an agency appointed by the Authority or Registrar for. enrolment under this Act;(i)"family" means a group of members related to each other by blood, marriage or adoption and normally residing together and sharing meals;(j)"financial inclusion" means to make financial services affordable and accessible to all segments of society particularly the disadvantaged and lower income group;(k)"Fund" means the Fund of the Authority established under section 27;(l)"government body" means any body owned, controlled or substantially financed by the State Government;(m)"head of the family" means a woman member of the family of the age of twenty one years or above, declared by the family members in the prescribed manner as head of the family:Provided that in case a family has no woman member of the age of twenty one years or above at the time of enrolment, any male member of the family of the age of twenty one years or above may be declared to be the head of the family till an eligible woman member of the family takes his place; or in case a family has no male member of the age of twenty one years or above at the time of

enrolment, any eldest member of the family of any gender, maybe declared as head of the family by the family members. If such head of the family is a male, he can remain so only till an eligible woman member of the family takes his place;(n)"prescribed" means prescribed by rules made under this Act;(o)"public welfare benefits" means any advantage, gift, reward, relief, aid, subsidy or any payment, whether in cash or kind, provided by the State Government directly or through a government body to an individual or a family and includes such other benefits as maybe notified by the State Government from time to time;(p)"records of entitlement" means records of public welfare benefits and services under any programme or scheme for which any family or any of its members is entitled to;(q)"Registrar" means any entity authorised or recognised by the Authority for the purpose of enrolments under this Act;(r)"regulations" means the regulations made by the Authority under this Act;(s)"requesting entity" means a Government Department or government body that submits the Bhamashah card number and demographic information to the Bhamashah Resident Data Hub for authentication;(t)"resident", with all its grammatical variations, means a resident who has resided in a local area of Rajasthan for the past six months or more or a person who intends to reside in that area for the next six months or more;(u)"Bhamashah Resident Data Hub" means the Bhamashah Resident Data Hub created under section 6;(v)"rules" means the rules made by the State Government under this Act;(w)"service" means any provision, facility, utility or any other assistance provided in any form to a family or an individual and includes such other services as may be notified by the State Government from time to time.(x)"verification" means the process of verifying the correctness of the demographic data submitted by the Head of the Family or any adult member at the time of enrolment.

### 3. Enrolment.

(1)Every family residing in the Slate shall be entitled, through its head or through any adult member, to obtain Bhamashah Card by submitting demographic information and record of entitlement of all its members in the prescribed manner.(2)On receipt of the demographic information and record of entitlement of the members of the family under sub-section (1), the Authority shall, after verging the information in such manner, as may be prescribed, enrol the family and assign to the family a unique Bhamashah identification number which is a unique seven hexa-decimal random number.

### 4. Properties of a Bhamashah number.

(1)A Bhamashah number assigned to a family is a unique seven hexa-decimal random number and it shall not be re-assigned to any other family.(2)A Bhamashah number shall be a random number and bear no relation to the attributes or identity of the Bhamashah number holder.(3)A Bhamashah number, in physical or electronic form subject to authentication and other conditions, as may be prescribed, shall be accepted as proof of identity and proof of address of the family members for the purpose of public welfare benefits and services and may also be accepted as proof of identity and proof of address for any other purpose.Explanation. - For the purposes of this sub-section, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 (Central Act No. 21 of 2000).

## **5. Bhamashah card.**

(1) On enrolment under section 3, the Authority shall issue to the head of the family a Bhamashah Card in such form, in such manner and on payment of such fees, if any, as may be prescribed. (2) If any member of the family so desires by an application made in this behalf, he may also be issued an additional Bhamashah card in such form, in such manner and on payment of such fees, if any, as may be prescribed.

## **6. Creation of Bhamashah Resident Data Hub.**

(1) The Authority shall create and maintain a database of demographic information and record of entitlement of all the Bhamashah card holders in such manner as may be prescribed. (2) The Authority may engage any agency, as it may deem appropriate, to create and maintain the Bhamashah Resident Data Hub and to perform any other functions relating to the Bhamashah Resident Data Hub as may be prescribed.

## **7. Security and confidentiality of information.**

(1) The Authority shall ensure the security and confidentiality of the data in Bhamashah Resident Data Hub. (2) Without prejudice to the generality of sub-section (1), the Authority shall—(a) adopt and implement appropriate technical and organisational security measures; (b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority under this Act, have in place appropriate technical and organisational security measures for the information; and (c) ensure that the agreements or arrangements entered into with such agencies, consultants, advisors or other persons, impose obligations equivalent to those imposed on the Authority under this Act, and require such agencies, consultants, advisors or other persons to act only on instructions from the Authority. (3) Save as otherwise provided in this Act, the Authority or any of its officers or other employees or any agency that maintains the Bhamashah Resident Data Hub shall not, whether during his service or thereafter, reveal any information stored in the Bhamashah Resident Data Hub or authentication record to anyone except in accordance with any law for the time being in force: Provided that any information of Bhamashah card holder stored in the Bhamashah Resident Data Hub may be revealed to such holder on a request made by him in the manner specified in regulations.

## **8. Restriction on sharing information.**

(1) No demographic information and record of entitlement of Bhamashah card holder collected under this Act shall be shared with anyone, for any reason whatsoever, except in accordance with the provisions of this Act. (2) Bhamashah identity, demographic information and record of entitlement shall not be published, displayed or posted publicly, except for such purposes, as may be prescribed.

## **9. Alteration of demographic information and record of entitlement.**

- (1) In case any demographic information or record of entitlement of a member of the Bhamashah card holder family is found incorrect or changes subsequently, the head of the family or any other adult member of the family may request the Authority to alter such demographic information or record of entitlement, as the case may be in the record of the family in the Bhamashah Resident Data Hub in such manner, as may be prescribed.(2)The Authority may, suo moto or on receipt of any request under sub-section (1), after such inquiry or/and verification as it may deem fit, make such alteration as may be required in the Bhamashah Resident Data Hub, and intimate such alteration to the head of the family and the member concerned in the manner as may be prescribed.(3)No demographic information and record of entitlement in the Bhamashah Resident Data Hub shall be altered except in the manner provided in this Act.

Chapter-IV Direct Transfer of Public Welfare Benefits and Delivery of Services

## **10. Delivery of Services.**

(1)The State Government may, for the purpose of establishing identity of a family or any of its members, as a condition for receipt of the public welfare benefit and services,notify the list of the services under section 7 of Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Central Act No. 18 of 2016) to be delivered through Bhamashah Platform.(2)The Bhamashah number shall be mandatory for receipt of any of the public welfare benefits and services notified under sub-section (1).(3)The Authority shall endeavour to deliver the public welfare benefits and services to the beneficiaries at their doorsteps or at the places nearby to their residences.

## **11. Direct transfer of benefit to the beneficiary.**

- The State Government may, by notification, specify that any public welfare benefit, whenever such benefits are in the nature of cash shall, after authentication, be transferred directly to the bank account or mobile wallet of the beneficiary, and in case the public welfare benefits pertain to a family, to the bank account of the head of the family, in such manner, as may be prescribed.

## **12. Use of Bhamashah Resident Data Hub for Service delivery.**

(1)The State Government, through government department or government body shall deliver all the public welfare benefits and services as notified under section 10 and section11, after authentication, through the Bhamashah Platform.(2)Every department shall, seed its departmental database of a family or any of its members pertaining to public welfare benefits notified under section 11 with the Bhamashah number, bank account number and aadhaar number in such manner, as may be prescribed.(3)Once the seeding of the departmental database is completed, the departments shall not create any further database at its own level and shall use demographic information and record of entitlement of a family or any of its members available in Bhamashah Resident Data Hub for transfer of any public welfare benefits and delivery of service in future.

### **13. Transaction mapper.**

- Every transaction of subsidy, benefit or service notified under section 7 of Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (Central Act No. 18 of 2016) and the public welfare benefits notified under section 11 shall be recorded electronically in such manner. as may be prescribed.

### **14. Social Audit.**

- Social audit of the delivery of public welfare benefits shall be conducted at such intervals and in such manner, as may be prescribed in the Gram Sabhas in rural areas and the Ward Committees in urban areas or any other forum specified by the State Government by notification. Explanation. - For the purpose of this section, the expression "Gram Sabha" and "Ward Committee" shall have same meaning as assigned to them respectively in the Rajasthan Panchayati Raj Act, 1994 (Act No.23 of 1994) and the Rajasthan Municipalities Act. 2009 (Act No.18 of 2009).Chapter-VAuthentication

### **15. Proof of Bhamashah number necessary for receipt of Public Welfare Benefits and services.**

- The State Government may, for the purpose of establishing identity of a family or its any member, as a condition for receipt of a public welfare benefit and services for which the expenditure is incurred from the Consolidated Fund of the State, require that such family or its such member undergo authentication or furnish proof of possession of Bhamashah number or in the case of a family to whom no Bhamashah number has been. assigned, such family makes an application for enrolment:Provided that if a Bhamashah number is not assigned to a family or its member, they shall be offered alternate and viable means of identification for delivery of the public welfare benefit and services.

### **16. Providing facility for Authentication.**

- The Authority shall, through such electronic platform, as may be decided by it, provide facility to the requesting entity for the authentication.Chapter-VI Bhamashah Authority

### **17. Establishment and Constitution of the Authority.**

(1)The State Government shall, as soon as may be, after commencement of this Act, by notification, establish and constitute an Authority to be called as the Bhamashah Authority to exercise powers and discharge functions of the Authority under this Act or the rules or regulations made thereunder.(2)The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.(3)The headquarters of the Authority shall be at Jaipur.(4)The Authority may, with the prior approval of the Stale Government, establish its offices at other places in the State.

## **18. Powers and functions of the Authority.**

- The Authority shall exercise the following powers and discharge the following functions, namely:-(a)specifying, by regulations, the terms and conditions for appointment of Registrars and enrolling agencies and revocation of appointments thereof;(b)to expand existing electronic infrastructure for delivery of public welfare benefits and other services to the beneficiaries;(c)to create, monitor and maintain Bhamashah Resident Data Hub;(d)to frame policy for the use of the Bhamashah Resident Data Hub;(e)to recommend to the State Government for adding new services to the Bhamashah platform;(f)to take appropriate steps for financial inclusion of the residents of the State in collaboration with the line agencies;(g)to monitor the implementation of its recommendations;(h)to coordinate between different Government departments and government bodies;(i)to monitor public welfare benefits and services provided through Bhamashah Platform;(j)to frame and amend the regulations;(k)to appoint committees or task forces or groups or sub-committees as may be necessary to assist the Authority in discharge of its functions and powers ;(l)to invite experts as and when required to its meetings;(m)to acquire by purchase, exchange, lease, hire or otherwise any property movable or immovable as may be necessary or convenient for carrying on the activities of the Authority;(n)to accept, aid, donation, gift or any other assistance;(o)to borrow money from Government, Banks, Financial Institutions with prior approval of the State Government;(p)to exercise such other powers and discharge such other functions as may be necessary, incidental or conducive, for carrying out the purposes of this Act.

## **19. Composition of the Bhamashah Authority.**

- The Authority shall consist of the following, namely:-(i)A Chairperson who shall be a person of the rank of the Chief Secretary to the Government, or a person having experience and knowledge in the matters relating to technology, governance, law, development, economics, finance, management, public affairs or administration and shall be appointed by the State Government;(ii)Not less than three and not more than five official members, to be appointed by the State Government from amongst the Secretaries in-charge or Heads of Departments of the State Government, necessarily from the Finance Department and Administrative Department concerned;Explanation. - For the purposes of this clause,-(a)the expression "Secretary in-charge" means the Secretary to the Government in-charge of a department and includes an Additional Chief Secretary or a Principal Secretary when he is in-charge of a department; and(b)the expression "Head of the Department" shall have the same meaning as assigned to it in clause 11 of rule 7 of the Rajasthan Service Rules, 1951;(iii)Not exceeding two, non-official members from amongst the persons having experience and knowledge in the matters relating to technology, governance, law, development, economics, finance, management, public affairs or administration to be nominated by the State Government;(iv)The Director General of the Authority, who shall be Member- Secretary of the Authority.

## **20. Term of office and other conditions of service of non-official Chairperson and the non-official members.**

(1)The non-official Chairperson or a non-official member of the Authority shall hold office for a term

of three years from the date on which he enters upon his office or during the pleasure of the State Government, whichever is earlier.(2)The salaries and allowances payable to, and other terms and conditions of service of the non-official Chairperson and a non-official member shall be such as may be prescribed.(3)The non-official Chairperson or a non-official member may resign his office by giving notice in writing to the State Government and on such resignation being accepted by the State Government, such non-official Chairperson or a non-official members, as the case may be, shall be deemed to have vacated his office.

## **21. Meetings of the Authority.**

(1)The Authority shall meet at least once in a year at such place and such time as its Chairperson may decide and shall observe such rules of procedure, including quorum at such meetings, in regard to the transaction of the business at its meetings, as may be laid down by regulations.(2)The Chairperson, or, if for any reason he is unable to attend any meeting of the Authority, any other member chosen by the members present at the meeting, shall preside over the meeting.(3)All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting, and, in the event of an equality of votes, the Chairperson, or in his absence, the person presiding, shall have and exercise a second or casting vote.

## **22. Constitution of the Executive Committee.**

(1)There shall be an Executive Committee of the Authority consisting of the following, namely: -

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|--|-------------------|
| (i) Director General of the Authority  | Chairperson;      |
| (ii) an officer not below the rank of a JointSecretary nominated by the Finance Department | Member;           |
| (iii) Director of Information Technology andCommunication Department                       | Member;           |
| (iv) Director and Joint Secretary, Economics andStatistics Department                      | Member-Secretary. |

(2)The Executive Committee shall exercise such powers and perform such duties as may be delegated to it by the Authority from time to time.(3)The Executive Committee shall meet at least once in three months at such place and such time, as its Chairperson may decide and shall observe such rules of procedure, including quorum at such meetings, in regard to the transaction of the business at its meetings, as may be laid down by regulations.(4)The Chairperson or, if for any reason he is unable to attend any meeting of the Executive Committee, any other member chosen by the members present at the meeting shall preside over the meeting.(5)All questions which come up before any meeting of the Executive Committee shall be decided by a majority of the votes of the members present and voting, and, in the event of an equality of votes, the Chairperson, or in his absence, the person presiding, shall have and exercise a second or casting vote.

## **23. Authentication of orders of the Authority and Executive Committee.**

- All orders, decisions and other instruments of the Authority and the Executive Committee shall be authenticated by the signatures of the Chairperson of the Authority or, as the case may be, the



Executive Committee or any other member or any officer of the Authority or, as the case may be, the Executive Committee authorized by it in this behalf.

## **24. Appointment of the Director General and his powers, function and duties.**

- There shall be appointed by the State Government an officer not below the rank of the Secretary to the Government to be the Director General of the Authority. He shall, subject to the general control of the Authority, exercise the following powers, perform the following functions and discharge the following duties, namely:-(a)to supervise and control all officers and servants of the Authority;(b)to work out modalities of delivery of tile public welfare benefits and other services and ensure their effective monitoring and implementation ;(c)to manage the properties, records and finds of the Authority;(d)to maintain true and proper accounts of the Authority including checking and auditing in respect thereof periodically ;(e)to prepare annual income and expenditure accounts and balance sheet of the Authority;(f)to maintain up-to-date and complete statistical information, including progress made in the implementation of various programmes from time to time;(g)to process project proposals for financial assistance arid issue utilization certificates thereof;(h)to convene meetings, seminars and workshops connected with the main objectives of the Authority and preparation of reports and follow-up action thereon;(i)to produce video, documentary films, publicity material, literature and publications to inform general public about the various aspects of the Authority; and(j)to perform such other functions as may be delegated to him by the the Authority.

## **25. Appointment of officers and employees.**

(1)The Authority may, with the prior approval of the State Government, create such number and category of posts of officers and other employees in the Authority as it may consider necessary to carry' out its functions under this Act and may make appointment thereto.(2)The salary and allowances and other terms and conditions of service of the officers and employees of the Authority shall be such as may be determined by the Authority by regulations with the prior approval of the State Government and shall be paid out from the FundChapter-VII Grants, Accounts, Audit and Annual Report

## **26. Grants by the State Government to the Authority.**

- The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Authority by way of grants such sum of money as the State Government may think fit for being utilise for the purposes of this Act.

## **27. Fund of the Authority.**

(1)There shall be established a fund known as the Bhamashah Authority Fund for the purposes of this Act.(2)In addition to the sum of money paid by the State Government under section 26, the following shall be credited to the Fund, namely:-(a)aids, donations, gifts and loans raised by the

Authority;(b)any sum of money received by the Authority by way of fees;(c)any other sum of money received by the Authority.(3)The Fund shall be utilised by the Authority to meet out the expenses incurred in the carrying out the purposes of this Act including the payment of allowances to the non-official Chairperson and the non-official members of the Authority, payment of salaries and allowances to the officers and staff of the Authority.

## **28. Budget of the Authority.**

(1)The Authority shall prepare in each financial year, in such form and at such time as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same for the approval of the State Government.(2)The Authority shall not incur any expenditure otherwise than in accordance with the budget provisions as approved by the State Government.

## **29. Annual report.**

- The Authority shall prepare, in such form and at such time as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and its plans for the forthcoming year, and submit a copy thereof to the State Government. Every annual report shall also contain a review of the performance of the Authority in respect of the plans contained in the preceding annual report.

## **30. Accounts and audit.**

(1)The accounts of the Authority shall be maintained in such form and manner as may be prescribed and shall be audited by the Director of Local Fund Audit Department or by such other person or body as the State Government may determine from time to time.(2)The Authority shall furnish to the State Government before such date as may be prescribed a copy of its audited accounts together with the auditor's report thereon.

## **31. Annual report and auditor's report to be laid before the State Legislature.**

- The State Government shall cause the annual report of the Authority and the auditor's report to be laid, as soon as may be, after they are received, before the House of the State Legislature.  
Chapter-VIII Offences and Penalties

## **32. Penalty for non-compliance of provisions relating to security and confidentiality of information.**

- Whoever shares or publishes the demographic information and record of entitlement of a Bhamashah card holder in contravention of the section 7 shall be punishable with fine which may extend to ten thousand rupees and shall be liable to compensate the person who is adversely affected by such failure.

### **33. Penalty for unauthorised use by requesting entity.**

- Whoever, being a requesting entity, uses the identity information of an individual in contravention of section 8 shall be punishable with fine which may extend to ten thousand rupees and shall be liable to compensate the person who is adversely affected by such contravention.

### **34. Offences by companies.**

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purposes of this section - (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director" in relation to a firm, means a partner in the firm. Chapter-IX  
Miscellaneous

### **35. Members, officers, etc., to be public servants.**

- The Chairperson and members of the Authority and the Executive Committee and officers and other employees of the Authority shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45. of 1860).

### **36. Power of State Government to issue directions.**

(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, as the State Government may give, in writing to it, from time to time. (2) The decision of the State Government, whether a question is one of policy or not, shall be final.

### **37. Delegation of powers and functions.**

- The Authority may, by general or special order in writing, delegate to the Executive Committee, any member or officer of the Authority or any other person, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act, except the power

under section 40, as it may deem necessary.

### **38. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the State Government or the Authority or the Executive Committee or the Chairperson or any member of the Authority or the Executive Committee or any officer or other employee of the Authority for anything which is in good faith done or intended to be done under this Act or the rule or regulation made thereunder.

### **39. Power of State Government to make rules.**

- The State Government may, by notification, make rules to carry out the provisions of this Act.

### **40. Power of Authority to make regulations.**

- The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder to provide for the matters which one required by this Act to be provided by regulation.

### **41. Rules and regulations to be laid before the House of the State Legislature.**

- Every rule and regulation made under this Act shall be laid, as soon as may be after it is so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or of the sessions immediately following, the House of the State Legislature makes any modification in the rule or regulation or resolves that the rule or regulation should not be made, the rule or regulation shall thereafter 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 thereunder.

### **42. Application of other laws not barred.**

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

### **43. Act not to prevent use of Bhamashah number for other purposes under law.**

- Nothing contained in this Act shall prevent the use of Bhamashah number for establishing the identity of an individual for any purpose, whether by any body corporate or person, pursuant to any law, for the time being in force, or any contract to this effect: Provided that the use of Bhamashah number under this section shall be subject to the procedure and obligations under this Act.

#### **44. Power to remove difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

#### **45. Saving.**

- Anything done or any action taken by the State Government under circular No.F.17(1)/1/Bhamashah/DES/ 29279, dated-18.07.2014 and subsequent circulars governing or regulating the Bhamashah Scheme shall be deemed to have been validly done or taken under this Act.