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ACTS & BILLS

Yearly

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Compilation**

- ❑ **Comprehensive Coverage of Last 2 Years Current Affairs for Prelims 2023**
- ❑ **Topic-wise Previous Year MCQs**
- ❑ **Practice MCQs to validate your learning**

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INTRODUCTION

Current affairs are “The Thread” which binds the various stages of the UPSC CSE together, it is also the ropeway to achieve success in this extremely challenging examination finally. Current affairs present themselves in varying forms in the examination- sometimes directly and sometimes indirectly. They reflect themselves in the prelims in terms of direct as well as applied questions

GS Score Prelims Sampoorna Current affair Yearly compilation for UPSC CSE prelims 2023 offers holistic Coverage of the last 1.5 years of Current affairs with a special focus on Preliminary examination along with practice questions to validate your learning. The compilation offers pointed and quick notes for effective revision saving you the effort to make separate notes. We have also provided Previous Years Prelims Question at the end of each sectionn to give insight into the type of questions that come in the exam and the way the UPSC expects the aspirants to prepare the topics. The practice questions not only simulate the pattern of the questions asked in the examination but also season you better to navigate through the challenges which one might encounter in the real examination.

These notes are not just quick and handy but covers almost everything that one requires to get a good hold on the area of Current Affairs. With this much effort, current affairs would become a cakewalk for you! This compilation provides lucid and effective content making your learning easy, effective and efficient. A hassle-free logically arranged bouquet of current affairs to master the news in sync with concepts. So that you shine on May 28th, 2023 and beam with confidence that you know it all and how. Face the examination with confidence and attempt to win.

This edition covers current affairs from October 2021 to January 2023. We will release the second edition in the 1st week of May, covering the current affairs of February to April.

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TYPES OF BILLS IN INDIA

- **Ordinary Bill (Article 107, 108):** These bills are concerned with any matter except the financial bills, money bills, and constitution amendment bills. These bills can be introduced in either the houses of parliament in India.
 - ▶ **Majority:** It must be passed by both Houses by a simple majority of all members present and voting.
- **Financial Bill (Article 117(1), 117(3)):** These bills contain legal provisions specified in **Article 110(1)** of the constitution. These bills can only be introduced in the Lok Sabha.
 - ▶ After the bill is passed by the Lok Sabha (by simple majority), it is sent to Rajya sabha. After the bill is passed by both the houses, the bill is sent to the president for final approval and signature.
 - ▶ **Majority:** The Bill must be passed by both Houses of Parliament, after the President has recommended that it be taken up for consideration in each House.
- **Money Bill (Article 110):** These bills contain the legal provisions mentioned in **Article 110** of the Indian constitution and no other non-monetary matters are covered.
 - ▶ These bills can only be introduced in Lok Sabha with the recommendation of the President.
 - ▶ **Majority:** It must be passed in Lok Sabha by a simple majority of all members present and voting. Following this, it may be sent to the Rajya Sabha for its recommendations, which Lok Sabha may reject if it chooses to. If such recommendations are not given within 14 days, it will be deemed to be passed by Parliament.
- **Constitutional Amendment Bill (Article 368):** These bills contain legal provisions mentioned in **Article 368** of the Indian constitution.
 - ▶ These bills can be introduced in any of the houses, either Lok Sabha or Rajya sabha.
 - ▶ **Majority:** It would require a simple majority of the total membership of that House, and a two thirds majority of all members present and voting.

1. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

Context The Ministry of Electronics and IT (MeitY) has notified amendments to the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021)**.

Background

- India in 2021, replaced its decade-old regulations on social media intermediaries (SMIs) with the IT Rules, 2021 that were primarily aimed at placing obligations on SMIs to ensure an open, safe and trusted internet.

Key-highlight of the Amended Rules

- Mandatory Grievance Redressal Mechanism**
- The amendment paved the way for the setting up of one or more centrally appointed **grievance appellate committees (GACs)**.
- The idea behind setting up of the committees is to give users of social media platforms, including Facebook and Twitter, recourse - other than approaching the courts - to settle complaints.

The safe harbour provisions have been defined under **Section 79 of the IT Act**, and protect social media intermediaries by giving them immunity from legal prosecution for any content posted on their platforms.

- Due Diligence to be followed by Intermediaries:** In case, due diligence is not followed by the intermediary, safe harbour provisions will not apply to them.
- Ensuring Online Safety and Dignity of Users:** The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022, provide a shorter timeline of 24 hours to act on sensitive content, and require significant social media intermediaries to “respect all the rights accorded to the citizens under the Constitution, including in Articles 14, 19 and 21.”
 - They also give a breather to intermediaries on some aspects, such as due diligence.
- Additional Due Diligence for the Significant Social Media Intermediaries:**
 - Appointments:** Need to appoint a Chief Compliance Officer, a Nodal Contact Person and a Resident Grievance Officer, all of whom should be residents of India.
 - Compliance Report:** Need to publish a monthly compliance report mentioning the details of complaints received and action taken on the complaints as well as details of contents removed proactively.
- Enabling Identity of the Originator:**
 - Significant social media intermediaries providing services primarily in the nature of messaging shall enable the identification of the first originator of the information.
 - Required only for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order,
 - Or of incitement to an offence relating to the above or in relation to rape, sexually explicit material or child sexual abuse material punishable with imprisonment for a term of not less than five years.

- **Removal of Unlawful Information:**

- ▶ An intermediary upon receiving actual knowledge in the form of an order by a court or being notified by the Appropriate Govt. or its agencies through an authorized officer should not host or publish any information which is prohibited under any law in relation to the interest of the sovereignty and integrity of India, public order, friendly relations with foreign countries etc.

What was the need to amend the IT Rules, 2021?

- First, there was a need to ensure that the interests and constitutional rights of netizens which are not being contravened by big tech platforms.
- To strengthen the grievance redressal framework in the Rules
- The compliance with these SMIs should not impact early-stage Indian start-ups.

OTT Platforms

- OTT stands for “over-the-top”.
- It refers to the productized practice of streaming content to customers directly over the web.
- An “over-the-top” media service is any online content provider that offers streaming media as a standalone product.
- The term is commonly applied to video-on-demand platforms, but also refers to audio streaming, messaging services, or internet-based voice calling solutions.

2. Digital Personal Data Protection Act, 2022

- **Objective:** To provide for the processing of digital personal data in a manner that recognizes both:
 - ▶ the right of individuals to protect their personal data
 - ▶ the need to process personal data for lawful purposes, and for matters connected

Need of the Bill

- **Right to Privacy:** In 2017, the country’s Supreme Court declared that **privacy was a fundamental right** under the **Indian Constitution**, which led to the apex court asking the government to create a set of data protection rules, in line with this decision.
- **Increasing numbers:** There are 760 million active internet users in India the number for which is expected to be 1.2 billion in upcoming years.

BN Srikrishna Committee:

A committee headed by Supreme Court judge, **BN Srikrishna** was constituted that submitted a draft of the Data Protection Bill.

Key features of the new Bill:

- **Fines and Penalties:** *For breach of Law*; the Companies dealing with the personal data of consumers that fail to take reasonable safeguards to prevent data breaches could end up facing penalties as high as **around Rs.200 crore**.
- **For intimidating:** Penalties are expected to vary on the basis of the **nature of non-compliance** by data fiduciaries, entities that handle and process the personal data of individuals.
- Companies failing to notify people impacted by a data breach could be fined around Rs.150 crore.

Under the previous bill, the penalty proposed on a company for violation of the law was **15 crore or 4 percent** of its annual turnover, whichever is higher.

- ▶ Those who are failing to safeguard **children’s personal data** could be fined close to Rs.100 crore.
- **Administration body:** The Data Protection Board, an adjudicating body proposed to enforce the provisions of the Bill, is likely to be empowered to **impose the fine** after giving the companies an opportunity of being heard.
- **Scope of Data being protected:** The new Bill will only deal with safeguards around personal data and is learned to have excluded non-personal data from its ambit.
 - ▶ Non-personal data essentially means any data that **cannot reveal an individual’s identity**.

Seven principles

The bill has been based on seven principles around the data economy.

- **The first and second principles** call for organisations to be more transparent with users’ personal data in a way that is lawful and fair to individuals as well as **“purpose limitation”** which is using the data for which it is collected.
- **Third Principle** calls for **“data minimisation”** which is collecting those items of personal data only for what is needed.
- **Fourth principle** is about the accuracy of personal data and that a **“reasonable effort”** is made that the individual’s personal data is **“accurate and kept up to date”**.
- **Fifth one** calls for a **“storage limitation”** so that personal data is not being **“stored perpetually by default”**.
- **Sixth and Seventh principles** call for **“reasonable safeguards”** to prevent data breaches and ensure there is no unauthorised collection or processing of personal data and the person who is in charge of such processing should be held accountable for it.

3. Draft Indian Telecommunication Bill, 2022

- Context:**
- The Ministry of Communications drafted the **Indian Telecommunication Bill, 2022**.
 - **Objective:** To **update the extant regulatory framework** in keeping with the advancements and challenges in the sector by repealing the old legislation.

Need of the Bill

- The three main legislations that occupy this domain are considerably outdated, with the most recent of these having been enacted more than 70 years back.
- These legislations are the
 - ▶ Indian Telegraph Act enacted in 1885
 - ▶ Indian Wireless Telegraphy Act enacted in 1933
 - ▶ Telegraph Wires (Unlawful) Possession Act in 1950

Key features of the Bill:

- **For Telecom Service Providers (TSPs):**
 - ▶ Telecom Service Providers (TSPs) allege that parallel features provided by OTT communication services have **resulted in a cut in their sources of revenue** (voice calls, SMS).
 - ▶ At the same time, they **don’t have to deal with infrastructure and licensing costs** that they have to undertake.

- **Possible outcomes on over-the-top (OTT):**
- The Bill expands the definition of “**telecommunication services**” to include OTT communication services.
- **License Requirements:** This might bring OTT telecommunication services under the same licensing conditions as TSPs.
- TSPs have to be issued the **Unified Access Service License (UASL)** for make them able to provide telecom services in India.
- **Fulfilling Requirements:** If OTT communication services are required to obtain the same license, they would also be subject to a number of conditions:
 - ▶ Maintaining ‘**know your customer (KYC) details of their users**’
 - ▶ Adhering to **certain encryption regulations**
 - ▶ Allowing lawful **access to the government** of their equipment and networks
- **Consumer protection measures:**
 - ▶ **Spam calls and frauds:** It proposes that the identity of the person communicating using any form of telecommunication services shall be available to the user receiving such communication.
 - ▶ **User Identification:** It obligates license holders to identify the users of its service through a verifiable mode of identification.
 - ▶ **Penalties:** The Bill penalizes providing wrong identification details with a Rs.50, 000 fine and suspending the operation of the specific mobile number.
- **Dilutes the Position:** The current draft considerably dilutes TRAI’s position in a number of ways **reducing it from a regulatory to a recommendatory body.**
 - ▶ The government would no longer be required to seek recommendations from the TRAI before issuing licenses.
 - ▶ It also removes the power of the TRAI to requisition from the government information or documents that are necessary to make such recommendations.
- **Provisions for Internet shutdowns:**
 - ▶ **Power to suspend Internet:** For the first time, a specific provision enabling the government to order a suspension of internet power has been introduced through the draft Bill.

Presently, **suspension of internet services** is ordered under the Temporary Suspension of **Telecom Services (Public Emergency and Public Safety) Rules, 2017** that have been made under the **Indian Telegraph Act, 1885**.

4. Jan Vishwas (Amendment of Provisions) Bill, 2022

Context: The Jan Vishwas Bill was introduced in the Parliament’s winter session.

- **Objective:** To “**decriminalize**” **183 offences** across **42 legislations** and enhance the ‘**ease of living and doing businesses**’ in India.

Key provisions of the Bill:

- Decriminalizing Certain Offences:
 - ▶ Under the Bill, several offences with an imprisonment term in certain Acts have been decriminalised by imposing only a monetary penalty.

Some Acts that are amended by the Bill include: **the Indian Post Office Act, 1898, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, and the Information Technology Act, 2000.**

For example:

- Under the **Agricultural Produce (Grading and Marking) Act, 1937**, **counterfeiting grade designation marks is punishable with imprisonment** of up to three years and a fine of up to five thousand rupees. Grade designation mark indicates the quality of an article under the 1937 Act.
 - ▶ The Bill replaces this with a penalty of **eight lakh rupees**.
- Under the Information Technology Act, 2000, **disclosing personal information in breach of a lawful contract is punishable** with imprisonment of up to three years, or a fine of up to five lakh rupees, or both.
 - ▶ The Bill replaces this with a **penalty of up to 25 lakh rupees**.
- In certain Acts, **offences have been decriminalised by imposing a penalty instead of a fine**.
 - ▶ For instance, under the Patents Act, 1970, a person selling a falsely represented article as patented in India is subject to a fine of up to one lakh rupees.
 - ▶ The Bill **replaces the fine with a penalty, which may be up to ten lakh rupees**. In case of a continuing claim, there shall be an additional penalty of one thousand rupees per day.
- **Revision of Fines and Penalties:**
 - ▶ The Bill **increases the fines and penalties for various offences in the specified Acts**.
 - ▶ Further, **these fines and penalties will be increased by 10%** of the minimum amount every three years.
- **Appointing Adjudicating Officers:**
 - ▶ As per the Bill, the **central government may appoint one or more adjudicating officers** for the purpose of determining penalties.
 - ▶ **The adjudicating officers may:** (i) summon individuals for evidence, and (ii) conduct inquiries into violations of the respected Acts.
- **Appellate Mechanisms:**
 - ▶ The Bill also **specifies the appellate mechanisms for any person aggrieved by the order** passed by an adjudicating officer.
 - ▶ For instance, in the **Environment (Protection) Act, 1986**, appeals may be filed with the National Green Tribunal within **60 days** from the order.

5. Repealing & Amending Bill, 2022

Context: The Repealing and Amending Bill, 2022 was introduced in the Lok Sabha in December 2022.

About the Bill:

- It seeks to **repeal 65 laws** that are obsolete or that have been made redundant by other laws.
- It also corrects a **minor drafting error** in the **Factoring Regulation Act, 2011**.
- **Repeal of laws:** The First Schedule of the Bill lists 24 laws that would be repealed. Of these, 16 are amending Acts, and two are from before 1947.
- **Repeal of Appropriation Acts:** The Second Schedule of the Bill lists **41 Appropriation Acts** that would be repealed.
- These include 18 Appropriation Acts for the Railways. These Acts span the years **from 2013 to 2017**.

The list of acts being amended:

- 1885 - The Land Acquisition (Mines) Act, 1885
- 1934 - The Sugar-cane Act, 1934
- 1950 - The Telegraph Wires (Unlawful Possession) Act, 1950
- 1965 - The Metal Corporation of India (Acquisition of Undertaking) Act
- 1974 - The Coal Mines (Conservation and Development) Act, 1974
- 1976 - The Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976
- 1982 - The Andhra Scientific Company Limited (Acquisition and Transfer of Undertakings) Act, 1982
- 1983 - The Delhi Motor Vehicles Taxation (Amendment) Act, 1983
- 1994 - The Air Corporations (Transfer of Undertakings and Repeal) Act, 1994
- 2018 - The Companies (Amendment) Act, 2017
- 2018 - The Insolvency and Bankruptcy Code (Amendment) Act, 2018
- 2018 - The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2018
- 2018 - The Homoeopathy Central Council (Amendment) Act, 2018
- 2018 - The Insolvency and Bankruptcy Code (Second Amendment) Act, 2018
- 2018 - The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018
- 2019 - The Personal Laws (Amendment) Act, 2019
- 2019 - The Special Economic Zones (Amendment) Act, 2019
- 2020 - The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2020

Repealing of Law

- Laws can be repealed in two ways – either through an ordinance, or through legislation.
- **Article 245** of the Constitution which gives Parliament the power to make laws also gives the legislative body the power to repeal them through the Repealing and Amending Act.

6. Essential Constitution (ST) Order Amendment Bills 2022

- Context:**
- Three essential Constitution (ST) Order Amendment Bills have been passed in the Parliament during the Winter Session.
 - Constitution (Scheduled Castes and Scheduled Tribes) Order (Second Amendment) Bill, 2022 for Uttar Pradesh
 - Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2022 for Tamil Nadu
 - Constitution (Scheduled Tribes) Order (Fourth Amendment) Bill, 2022 for Karnataka

About the Bill:

The Order lists the tribal communities deemed to be Scheduled Tribes in **States & Union Territories**.

- **Tamil Nadu:** The Bill includes the **Narikoravan and Kurivikkaran** communities in the list of Scheduled Tribes in Tamil Nadu.
- **Karnataka:** In relation to the **state of Karnataka**, the Constitution (Scheduled Tribes) Order (Fourth Amendment) Bill, 2022, was also passed unanimously in Rajya Sabha.
 - ▶ **The Bill will include Betta-Kuruba** as a synonym for the **Kadu Kuruba community** in the list of Scheduled Tribes in Karnataka.
 - ▶ The bill was earlier passed by the Lok Sabha.
- **Uttar Pradesh:** The Bill will include the transfer of **Gond community from list of SCs to STs** and inclusion of **Dhuria, Nayak, Ojha, Pathari and Rajgond** in the list of STs of Uttar Pradesh in **the four districts of Sant Kabir Nagar, Kushinagar, Chandauli and Bhadohi**.

7. Amendments to the Co-Operative Societies Act

Context: The government has recently introduced the **Multi-State Cooperative Societies (Amendment) Bill, 2022**, to improve governance and bring transparency & accountability.

About the Bill:

- The Bill to amend the **Multistate Cooperative Societies (MSCS) Act, 2002**, has been introduced in the Lok Sabha.
- The opposition has alleged that Bill's provisions encroached upon the rights of State governments.
- They are demanding that the Bill must be referred to a Standing Committee.

Key provisions:

- **To plug Loopholes in the MSCS Act:** Bill seeks to amend the 2002 law for more “transparency” and “ease of doing business”.
- To **strengthen governance**, reform the electoral process, improve the monitoring mechanism, and ensure ease of doing business in **Multi-State** cooperative societies.
- To **improve the composition of boards** and ensure financial discipline, besides enabling the raising of funds in the Multi-State cooperative societies.
- **Creation of a central Cooperative Election Authority:** The Bill provides for the creation of a Central Cooperative Election Authority to supervise the electoral functions of the MSCSs.
- **Its composition:**
 - ▶ A Chairperson
 - ▶ Vice Chairperson
 - ▶ Up to three members appointed by the Centre
- **Insertion of a new Section** related to the “**establishment of the Cooperative Rehabilitation, Reconstruction and Development Fund**” for the revival of “**sick multi-state cooperative societies**”.
- **The merger of “any cooperative society”** into an existing multi-state cooperative society.

Article 43B says the government shall endeavour to promote voluntary **formation, autonomous functioning, democratic control, and professional management** of cooperative societies.

Cooperative federalism should have been followed before the preparation of this Bill.

No provision of the Constitution makes way for merging a cooperative society, which is incorporated under State law with a Multi-State Cooperative Society.

What are multistate cooperative societies?

- Multistate cooperatives are societies that have operations in more than one State.
 - ▶ For instance, a Farmer Producers Organisation which procures grains from farmers from multiple states.
- The board of directors are from all the States these collectives **operate in and control all** the finances and administration.
- At present, India has more **than 1,500 Multi-State cooperative societies**, with the highest numbers being in Maharashtra.

8. Uniform Civil Code Bill introduced in Rajya Sabha

Context: A private member's Bill to implement the **Uniform Civil Code** in India was introduced in Rajya Sabha.

About the Bill:

- The Uniform Civil Code Bill aims to legislate on religion based personal laws in the country.
- Uniform Civil Code is envisaged to provide for one law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.
- **Article 44** contained in **part IV of the Constitution** says that the state "shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India".
 - ▶ Article 44 is one of the **Directive Principles of State Policy (DPSP)**.

Motion passed against the Bill:

- Firstly, the Indian Constitution "**gave protection to all sections of people**". Hence, before bringing such legislation, there should be wide consultation with different communities, and people from different religions, or else it shall create differences between people.
- Secondly, **the 21st Law Commission** had concluded that a **Uniform Civil Code** was neither necessary nor desirable," and that the legislation if subsequently enacted shall be against the very "spirit of the Constitution."
- Thirdly, the bill is against **Articles 26(b) and 29(1)** of the Constitution and it was in order to protect the rights of minorities that the Constituent Assembly decided to not have a Uniform Civil Code for the country.

9. Energy Conservation (Amendment) Bill 2022

Context: In a bid to meet India's commitment to exceed its Paris agreement climate targets, the Centre tabled the **Energy Conservation (Amendment) Bill 2022**.

Key provisions of the Bill:

- To define the **minimum share of renewable energy** to be consumed by industrial units or any establishment. This consumption may be done directly from a renewable energy source **or indirectly via the power grid**.

- Incentivising efforts to use clean energy by **issuing carbon saving certificates**.
- Strengthening institutions set up originally under the Act, such as **the Bureau of Energy Efficiency**.
- Facilitating the promotion of green Hydrogen as an alternative to the fossil fuels used by industries.
- Considering additional incentives like **Carbon Credits** for the use of clean energy to lure the private sector to climate action.
- Including larger residential buildings under energy conservation standards to promote sustainable habitats. Currently, Only Large Industries and Their Buildings come under the ambit of the Act.

Energy Conservation Act, 2001:

- Currently, **the Energy Conservation Act, 2001** (amended in 2010) governs the domain in India.
- The Act empowers the **Centre to specify norms and standards of energy efficiency for appliances, industrial equipment and buildings with a connected load over 100 kilo Watts (kW) or a contractual demand of more than 15 kilovolt-amperes (kVA)**.
- The 2010 amendment extended the **tenure of the Director General** of the Bureau of Energy Efficiency from **three to five years**.
- Framework for energy trading: According to the Act, the Centre can issue energy savings certificates to those industries which consume less than their maximum allotted energy.
- However, this certificate can be sold to customers who consume higher than their maximum allowed energy threshold.
 - ▶ **Penalty:** In case of any violations under this Act, each offence shall attract a penalty of Rs10 lakh with an additional penalty of Rs.10, 000 for each day the offence continues.
 - ▶ **Appeal:** Any appeals against any such order passed by the Central or state government will be heard by the appellate tribunal already established under the Electricity Act, 2003.

10. The Mediation Bill, 2021

Context: The **Parliamentary Standing Committee on Law and Justice** has recommended **substantial changes** to the Mediation Bill aimed at institutionalizing mediation and establishing the Mediation Council of India.

Background:

- There is no standalone legislation for mediation in India.
- The Mediation Bill, 2021 was introduced in Rajya Sabha in December 2021, with an aim to **reduce the pendency of cases in courts**.
- Later, the Parliamentary Standing Committee was tasked with a review of the Bill.
- The committee's report to the Rajya Sabha was submitted on July 13, 2022.

Mediation India is divided into two categories which are commonly followed:

- **Court referred Mediation:** The court may refer a pending case for mediation in India under **Section 89 of the Code of Civil Procedure, 1908**.
- This type of mediation is frequently used in Matrimonial disputes, particularly divorce cases.
- **Private Mediation:** In Private Mediation, qualified personnel works as mediators on a fixed-fee basis. Anyone from courts, to the general public, to corporates as well as the government sector, can appoint mediators to resolve their dispute through mediation.

The Mediation Bill, 2021

- The Bill seeks to promote mediation, particularly institutional mediation, and provide a mechanism for enforcing mediated settlement agreements.
- It proposes mandatory mediation before litigation.
- It safeguards the rights of litigants to approach competent adjudicatory forums/courts for urgent relief.
- The mediation process will be **confidential** and **immunity is provided** against its disclosure in certain cases.
- The outcome of the mediation process in the form of a Mediation Settlement Agreement (MSA) will be legally enforceable.
- The agreement can be registered with the State/district/taluk legal authorities within 90 days to ensure authenticated records of the settlement.
- **Mediation Council of India:** The Bill establishes the Mediation Council of India and also provides for community mediation.
- The Council will consist of a chairperson, two full-time members (with experience in mediation or ADR).
- Three ex-officio members (including the Law Secretary, and the Expenditure Secretary), and a part-time member from an industry body.
- **Functions of the Council include:**
 - ▶ Registration of mediators
 - ▶ Recognizing mediation service providers
 - ▶ Mediation institutes (which train, educate, and certify mediators)

11. Competition (Amendment) Bill, 2022

Context: The Bill seeks to amend the Competition Act, of 2002 and aims to establish the **Competition Commission of India (CCI)** for regulating market competition.

Key provisions of the Bill:

Introduction of 'deal value thresholds' under which 'large-value' transactions will require the approval of the Competition Commission of India (CCI):

- Relaxations for implementation of open offers and stock exchange purchases;
- Shortened timelines for review of 'combinations';
- Amendment of the definition of 'control' to include 'material influence';
- Introduction of 'settlement' and 'commitment' to resolve investigations in respect of anti-competitive vertical agreements and abuse of dominance; and
- Facilitation of exchange of New Delhi International Arbitration Centre (Amendment) Bill, 2022 information between departments of the Government of India and the CCI.

Key Changes:

- **Introduction of 'deal value thresholds':**
 - ▶ The Bill introduces 'deal value thresholds', under which transactions of a value exceeding INR 2,000 crore will require the prior approval of the CCI, provided that the parties to such transaction have "**substantial business operations in India**" ("Deal Value Thresholds").

- ▶ The Bill proposes that **open offers and acquisitions of shares or securities** on a regulated stock exchange **may be implemented prior to the receipt of the CCI's approval**.
- **Introduction of 'settlement' and 'commitment':**
 - ▶ The Bill proposes that enterprises facing investigations relating to;
 - ▶ Anti-competitive vertical agreements under Section 3(4) of the Competition Act, or
 - ▶ Abuse of dominant position under Section 4 of the Competition Act, may settle such proceedings or offer commitment(s) to the CCI in the following manner:
- **Settlement:** An application for 'settlement' may be submitted by an enterprise at any time after the receipt of the Director General of the CCI's ("DG") report in respect of its investigation into the relevant matter, but before the CCI passes a final order; and
- **Commitment:** An offer for 'commitment' may be submitted by an enterprise at any time after the CCI has initiated an investigation but before receipt of the DG's report.
- **Penalty for gun-jumping:**
 - ▶ Currently, the penalty for gun-jumping (i.e., the penalty for non-furnishing of information on combinations) may extend to one percent of the total turnover or the assets, whichever is higher of the relevant combination.
 - ▶ The **Bill proposes that the penalty for gun-jumping may extend to one percent of the total turnover or the assets** or, value of the transaction, whichever is higher, of the relevant combination.
- **The issue of Hub-and-Spoke Cartels:**
 - ▶ A Hub-and-Spoke arrangement is a kind of cartelisation in which vertically related players act as a hub and place horizontal restrictions on suppliers or retailers (spokes).
 - ▶ **Currently**, the prohibition on anti-competitive agreements **only covers entities with similar trades that engage in anti-competitive practices**.
 - ▶ This ignores hub-and-spoke cartels operated at different levels of the vertical chain by distributors and suppliers.
 - ▶ To combat this, the **amendment broadens the scope of 'anti-competitive agreements'** to catch entities that facilitate cartelisation even if they are not engaged in identical trade practices.
- **Officers and employees of the party under investigation**
 - ▶ The Bill proposes that all officers, employees, and agents of a party which are under investigation shall have a **duty to:**
 - ▶ **Preserve and produce all information**, books, papers, other documents, and records of, or relating to, the party which are in their custody or power to the DG; and
 - ▶ **Provide all assistance** in connection with the investigation to the DG
 - ▶ The Bill also proposes that the DG may examine, on oath, any officer, employee, or agent of the party being investigated, in relation to its affairs, with the previous approval of the CCI.
- **Specific provision to withdraw leniency applications**
 - ▶ The Bill proposes to **permit a party to withdraw an application for lesser penalty or leniency** in the manner and within such time as may be specified by the regulations issued by the CCI.

12. Central Universities (Amendment) Bill, 2022

Context: Parliament has passed the Central Universities (Amendment) Bill 2022.

About

- The Central Universities (Amendment) Bill 2022, which seeks to create the **Gati Shakti Vishwavidyalaya**, will generate appropriate human resources to meet the needs of the growing infrastructure of the country.

- The bill's main objective was to convert the National Rail and Transportation University based in Vadodara into Gati Shakti Vishwa Vidyalaya, a Central University.
- It will be under the control of the Ministry of Railways.
- This bill was introduced under India's National Education Policy (NEP).

Features of Gati Shakti Vishwavidyalay

- Gati Shakti Vishwavidyalaya, or Gati Shakti University, is a multi-disciplinary and multi-dimensional institute.
- **Established under:** National Education Policy (NEP).
- **Objective:** To gather all the different departments into a single infrastructure where the transport sector, such as railways, roads, waterways, aviation, and ports, will coordinate to form a Gati Shakti mission platform.
- The Gati Shakti Vishwavidyalaya will be unique from other universities as it will incorporate transport courses, skill development, technology development, transport economics etc.

Currently, the **National Rail and Transportation University** is based in Vadodara, but it is planned to establish these types of universities in every nation-state.

13. Medical Termination of Pregnancy (MTP) Act

Context: In a Judgment, the Supreme Court recently put decision on abortion rights for all adult women in India to have the right to seek a safe abortion through a medical expert till up to 24 weeks of pregnancy.

Medical Termination of Pregnancy (MTP) Act, 1971

- The **Medical Termination of Pregnancy (MTP) Act, 1971** came into force on 1st of April 1972 and applied to all of India except the state of Jammu and Kashmir.
- **Medical Termination of Pregnancy (MTP) Act, 1971** act allowed pregnancy termination by a medical practitioner in **two** stages:
- A **single doctor's opinion** was necessary for abortions up to **12 weeks after** conception.
- For pregnancies between **12 to 20 weeks old**, the opinion of **two doctors** was required to determine:
 - ▶ If the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health or;
- If there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously "handicapped" before agreeing to terminate the woman's pregnancy.

MTP Amendment Act

- In 2021, Parliament amended the law to allow for abortions based on the advice of one doctor for pregnancies up to **20 weeks**.
- The modified law needs the opinion of **two doctors** for pregnancies between 20 and 24 weeks.
- Further, for pregnancies **between 20 and 24 weeks**, rules specified seven categories of women who would be eligible for seeking termination under **Section 3B** of rules prescribed under the MTP Act;
 - ▶ Survivors of sexual assault or rape or incest,
 - ▶ Minors,
 - ▶ Change of marital status during the on-going pregnancy (widowhood and divorce),

- ▶ Women with physical disabilities (major disability as per criteria laid down under the Rights of Persons with Disabilities Act, 2016)
- ▶ Mentally ill women including mental retardation,
- The foetal malformation that has a substantial risk of being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped, and
- Women with pregnancy in humanitarian settings or disasters or emergencies may be declared by the Government.

14. Government issues the Insurance Laws Amendment Bill 2022

Context: The Finance Ministry recently released the Insurance Laws (Amendment) Bill 2022.

Indian Insurance Sector

- The Indian Insurance Sector is basically divided into two categories –
 - ▶ Life Insurance
 - ▶ Non-life Insurance (General Insurance)
- The autonomous body for governing/regulating Insurance in India is Insurance Regulatory and Development Authority of India (“IRDAI”) established under the Insurance Regulatory and Development Authority of India Act, 1999.
- Indian Insurance companies are regulated by the Insurance Regulatory and Development Authority (IRDAI) through the Insurance Act, 1938, Insurance Regulatory Development Authority Act, 1999, Rules/Regulations made thereunder. Companies Act brought in various changes in the corporate governance structure for the Indian Companies in 2013.

Key-highlights of the Bills

- The Bill proposes amendments to the Insurance Act 1938 and Insurance Regulatory and Development Authority Act, 1999.
- **Category of insurers:** The Bill calls for scrapping of the statutory Rs 100 crore startup capital for life and general insurance business and Rs 200 crore for reinsurance business, allowing different kinds of insurers including captives, changing the investment provisions.
- **Allowing ancillary-services offering:** The amendments allow insurers to provide services related or incidental to the insurance business.

Insurance penetration in India

- Insurance penetration in India during 2021-22 was 4.2 per cent, remaining same as in 2020-21.
- Insurance density in India increased from **USD 78 in 2020-21 to USD 91 in 2021-22.**
- The level of insurance density has reported consistent increase from USD 11.5 in 2001-02 to USD 64.4 in the year 2010-11.

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15. Copyright (Amendment) Rules, 2021

Context The Government of India has notified Copyright (Amendment) Rules, 2021.

About

- In India, the copyright regime is governed by the **Copyright Act, 1957, and the Copyright Rules, 2013**.
- The **Copyright Rules, 2013** was last amended in the year 2016.
- The amendments have been introduced to bring the existing rules in parity with other relevant legislations.
- It aims to ensure smooth and flawless compliance in the light of the technological advancement in the digital era by adopting electronic means as the primary mode of communication and working in the Copyright Office.

What are the new provisions?

- A new provision regarding the publication of a copyrights journal has been incorporated, thereby eliminating the requirement of publication in the Official Gazette.
- To encourage accountability and transparency, new provisions have been introduced, to deal with the undistributed royalty amounts and use of electronic and traceable payment methods while collection and distribution of royalties.
- To reinforce transparency in the working of copyright societies a new rule has been introduced, whereby the copyright societies will be required to draw up and make public an Annual Transparency Report for each financial year.
- The amendments have harmonized the Copyright Rules with the provisions of **Finance Act, 2017** whereby the Copyright Board has been merged with the Appellate Board.

Intellectual property (IP)

Intellectual property (IP) is a category of property that includes intangible creations of the human intellect.

Types of intellectual property:

- **Copyright:** It is a type of intellectual property that gives its owner the exclusive right to make copies of creative work, usually for a limited time.
- **Patent:** A patent is a title that gives its owner the legal right to exclude others from making, using, or selling an invention for a limited period of years in exchange for publishing an enabling public disclosure of the invention.
- **Trademark:** A trademark is a type of intellectual property consisting of a recognizable sign, design, or expression which identifies products or services of a particular source from those of others, although trademarks used to identify services are usually called service marks.
- **Trade secrets:** Trade secrets are a type of intellectual property that comprise formulas, practices, processes, designs, instruments, patterns, or compilations of information that have inherent economic value because they are not generally known or readily ascertainable by others, and which the owner takes reasonable measures to keep secret.

16. Tribunals Reforms Act, 2021

- Context**
- Parliament passed the **Tribunals Reforms Act, 2021**.
 - The law has triggered a fresh stand-off between the legislature and the judiciary over the powers of and limitations on law making.

Key Provisions

- **Dissolution of Existing Bodies:** It seeks to eliminate certain appeal bodies and transfer their functions to other existing judicial bodies. For example, disputes heard by the Film Certification Appellate Tribunal will be resolved by the Supreme Court.
- **Consolidation of Existing Bodies:** The Finance Act, 2017 includes court-based courts. For example, the Competition Appellate Tribunal is affiliated with the National Company Law Appellate Tribunal.
- **Candidate Selection Committees:** The Chairperson and Members of the Courts will be elected by the Central Government on the recommendations of the Search-cum-Selection Selection Committee. The Committee will consist of:
 - ▶ The Chief Justice of India or the Judge of the Supreme Court nominated by him, as Chairperson (by casting vote).
 - ▶ Two secretaries were nominated by Central Governments.
 - ▶ The incumbent Chairperson, or a retired High Court Judge, or a retired Chief Justice of the High Court, and
 - ▶ Secretary of the Department under which the Tribunal is located (excluding the right to vote).
- **State Administrative Courts:** Will have separate search electoral committees and the Chief Justice of the Supreme Court of the country concerned, such as the Chairperson (by a casting vote).
- **Eligibility and Term of Office:** It provides for a term of four years (subject to a maximum of 70 years for the Chairperson, and a maximum of 67 years for members).
 - ▶ In addition, it specifies a minimum age requirement of 50 years for the appointment of a chairperson or member.
- **Removal of Councillors:** It states that the central government, on the recommendation of the Select Committee of Investigators, removes the Chairperson or Member.

Madras Bar Association vs. The Union of India

- Supreme Court in the case of **Madras Bar Association vs. The Union of India** has set a minimum requirement for a minimum of 50 years of office and membership and defines a term of four years.
- It said such conditions violate the principles of separation of powers, freedom of law, and **Article 14** of the Constitution of India.

ADDITIONAL INFORMATION

What are tribunals?

- The Tribunal is a quasi-judicial institution set up to deal with issues such as resolving administrative or tax-related disputes. It performs many functions such as resolving disputes, determining rights between opposing parties, making administrative decisions, reviewing existing decisions to govern, and so on.

Constitutional Provisions:

- They were not part of the Constitution at first.
- Amendment Act 42 introduces these provisions in accordance with the recommendations of the **Swaran Singh Committee**.
- The amendment introduces **Part XIV-A** in the Constitution, which deals with ‘courts’ and contains two articles:
 - ▶ **Article 323A** deals with administrative courts. These are judicial institutions that resolve disputes related to employment and the conditions of service of public servants.
 - ▶ **Article 323B** deals with the courts of other jurisdictions such as Tax, industrial and labor, Foreign Exchange, Import and Export, Land Reform, Food, Urban Roofing, Elections in Parliament and State Legislatures, Employment and Employment Rights.

17. Draft Indian Ports Bill, 2022

- Context:**
- The **Draft Indian Ports Bill, 2022** has been put for stakeholder consultation.
 - The draft Indian Ports Bill, 2022 (“IP Bill 2022”) has been prepared to consolidate and amend the laws relating to ports.

Key Provisions of the Bill:

- **Issued by:** Ministry of Ports, Shipping, and Waterways.
- The bill seeks to amend the Indian Ports Act, 1908.
- The Bill will incorporate **State Maritime Boards** in the national framework.
- Additionally, **Maritime State Development Council** will ensure cooperative federalism where the Centre and State/UT Governments will work together towards preparing a progressive road map for the country.
- The redundant provisions of the Act have been deleted or replaced with contemporaneous provisions.
- Existing penalties in the Act which are outdated have been updated concerning amounts and offenses relevant to the present-day scenario.
- **It aims to change ports laws with respect to the;**
 - ▶ Prevention and containment of pollution at ports
 - ▶ To ensure compliance with the country’s obligation under the maritime treaties and international instruments to which India is a party
 - ▶ Take measures for conservation of ports
 - ▶ To empower and establish State Maritime Boards for effective administration, control, and management of non-major ports in India
 - ▶ Provide for adjudicatory mechanisms for redressal of port-related disputes and to establish a national council for fostering structured growth and development of the port sector
 - ▶ To ensure optimum utilization of the coastline of India, as may be necessary
 - ▶ To provide for matters ancillary and incidental thereto, or connected therewith.

Objective:

- The government of India is committed to reducing the emissions from the shipping sector and promoting the development of net zero and low-emission solutions.

- By 2030, all the Major Ports are to be made fully self-sustainable on electricity.
- All the energy requirements of the port are to be met through renewable sources.
- The initiative also includes Green Warehousing utilizing green/ natural solutions such as natural light or energy efficiency lighting, automated and compact storage systems, rooftop solar, using HVLS fans, and rainwater harvesting.

18. Parliament passes the National Anti-Doping Bill 2022

Context: The **National Anti-Doping Bill 2022**, which aims to establish a statutory framework for the National Anti-Doping Agency (NADA), was approved by the Lok Sabha in August 2022.

About the Bill:

- **Prohibition of Doping in the sports:**
 - ▶ According to the proposed law, doping is prohibited in sports. It applies to athletes, athlete support staff members, and other individuals engaging in the sport.
- **Outcomes of a violation:**
 - ▶ Anti-doping regulations violations may lead to disqualification of the results, the confiscation of medals, points, and awards, disqualification from future competitions or events for a set amount of time, financial penalties, etc.
- **Statutory status for the National Anti-Doping Agency:**
 - ▶ The bill envisages the establishment of this National Anti-Doping Agency as a statutory body.
 - ▶ It will be headed by a director general appointed by the central government. The functions of the agency include, for example,
 - Planning, implementation, and monitoring of anti-doping activities,
 - Investigation of anti-doping rule violations,
 - Support of anti-doping research.
- **National Board for Anti-Doping in Sports:**
 - ▶ The Bill establishes a National Board for Anti-Doping in Sports to make recommendations to the government on anti-doping regulation and compliance with international commitments on anti-doping.
 - ▶ The Board will oversee the activities of the Agency and issue directions to it.
- **Data related to athletes and doping:**
 - ▶ The Agency will also have the power to collect certain personal data of athletes such as:
 - ▶ Sex or gender,
 - ▶ Medical history, and
 - ▶ Where about information of athletes (for out-of-competition testing and collection of samples).
- **National Anti-Doping Agency (NADA):**
 - ▶ The Agency will prescribe the procedure for collection, usage, processing, and disclosure of such personal data.
 - ▶ It will publicly disclose certain information such as the name of the athlete, the anti-doping rule violated, and the consequences imposed.
- **Disciplinary and Appeal Panels:**

- ▶ The Board will constitute a National Anti-Doping Disciplinary Panel for determining the consequences of anti-doping rule violations.
- ▶ This Panel will consist of a chairperson and four Vice-Chairpersons (all legal experts), and ten members (medical practitioners and retired eminent athletes).
- **Dope Testing Laboratories:**
 - ▶ The National Dope Testing Laboratory will be deemed to be the principal dope testing laboratory.
 - ▶ The central government may establish additional national drug testing facilities across the country.

19. Dam Safety Act, 2021

Context The Dam Safety Act, 2021 was enacted by the Parliament and came into force with effect from 30th December 2021.

Key-highlights of the Act

- The act is aimed at ensuring surveillance, inspection, operation and maintenance of the specified dam for prevention of dam failure-related disasters.
- It is also aimed to provide an institutional mechanism to ensure their safe functioning.
- Its key provisions include regular inspection of dams; hazard classification of dams; emergency action plan; comprehensive dam safety review by an independent panel; funds for timely repair and maintenance; operations and maintenance manual; record of incidents and failure; risk assessment study; dam instrumentation including hydro-meteorological and seismological network; accreditation of agencies; emergency flood warning system; and offences and penalty.

Dam failure

- Globally, about 2.2% of dams built before 1950 have failed mainly due to flooding, inadequate spillway capacity, bad workmanship, etc.
- Although **India ranks third** globally with above 5000 large dams in operation and about 500 under construction, India too has had its share of dam failures.
- There have been more than 36 reported failures cases so far. The major failure is as given below:
 - ▶ The first failure was recorded in Madhya Pradesh in 1917 when the **Tigra Dam** failed due to overtopping.
 - ▶ The worst dam disaster is, however, associated with the failure of **Machu dam** (Gujarat) in 1979 in which more than 2000 people died.

The current situation of dam safety in India

- More than 75% of the country's dams are over 25 years old and about 164 dams are more than 100 years old.
- Over 1,115 large dams that will be roughly 50 years old in 2025.
- More than 4,250 large dams in the country will be over 50 years old in 2050.
- 64 large dams will be more than 150 years old in 2050.

Dam Safety Framework in India

- **National Committee on Dam Safety (NCDS)**
 - ▶ **Establishment:** It was constituted by the Government of India in 1987.
 - ▶ **Chaired by:** It is chaired by Chairman, Central Water Commission, and is represented by all the States having a significant number of large dams and other dam-owning organizations.
 - ▶ **Objective:** NCDS **suggests** ways to bring dam safety activities in line with the latest state-of-the-art consistent with the Indian conditions and acts as a forum for the exchange of views on techniques adopted for remedial measures to relieve distress in old dams.
- **Central Dam Safety Organization (CDO)**
 - ▶ **Establishment:** It was established under Central Water Commission in 1979.
 - ▶ **Objective:** The objectives of the Central Dam Safety Organization are:
 - Assist in identifying the causes of potential distress.
 - ▶ Perform a coordinative and advisory role for the State Governments.
 - ▶ Lay down guidelines, compile technical literature, organize training, etc.
 - ▶ Create awareness in the states about dam safety.
- **State Dam Safety Organizations (SDSO)**
 - ▶ They are Dam Safety Organization/Cell established in eighteen States and four dam-owning organizations (NHPC, BBMB, DVC, and Kerala State Electricity Board).

Important Government Initiatives for Dam Safety

- Dam Rehabilitation and Improvement Project (DRIP)
- Dam Health And Rehabilitation Monitoring Application (DHARMA)
- Seismic Hazard Mapping along with the development of **Seismic Hazard Assessment Information System (SHAISYS)**
- Other Initiatives include Design Flood Review, publication of important Guidelines as well as Manuals dealing with Dam Safety Management, preparation of operation and maintenance Manuals, Emergency Action Plans, etc.

20. Central Universities (Amendment), Bill 2022

Context: Parliament has passed the Central Universities (Amendment) Bill 2022 with the Rajya Sabha approving it today with a voice vote. The Bill seeks to amend the Central Universities Act, 2009, which provides for establishing central universities in various states.

Key features of the Bill include:

- **Gati Shakti Vishwavidyalaya:** The Bill seeks to convert the **National Rail and Transportation Institute, Vadodara (a deemed university) to the Gati Shakti Vishwavidyalaya**, which will be a central university.
 - ▶ The National Rail and Transportation Institute was declared a deemed university under the University Grants Commission Act, 1956.
 - ▶ The Vishwavidyalaya will be sponsored and funded by the central government through the Ministry of Railways.

- **Scope of education:** The Bill provides that **Gati Shakti Vishwavidyalaya** will take measures to provide **quality teaching, research, and skill development** in disciplines related to **transportation, technology, and management**.
 - ▶ If required, the University may also establish centres in India and abroad.
 - ▶ According to the **Statement of Objects and Reasons, establishment of the Vishwavidyalaya will address the need of trained talent in the transportation sector**.
- **Appointment of a new Vice-Chancellor (VC):** The existing VC of the National Rail and Transportation Institute will hold office for:
 - ▶ Six months from when the Act is notified, or
 - ▶ Until a new VC for the **Gati Shakti Vishwavidyalaya** is appointed, whichever is earlier.

21. The Drugs, Medical Devices and Cosmetics Bill, 2022

Context: The Union Health Ministry has released a draft of a proposed The Drugs, Medical Devices and Cosmetics Bill, 2022 to replace the existing Act of 1940.

About the regulations:

- The bill proposes new definitions for clinical trials, over-the-counter drugs, manufacturers, medical devices, new drugs, bioavailability studies, investigational new drugs and imported spurious drugs, among others.
- **The draft focuses on;**
 - ▶ Regulating medical devices as a separate entity
 - ▶ Makes provision for fines and imprisonment for injury and death related to clinical trials or investigations
 - ▶ Seeks to regulate e-pharmacies

Key features of draft Bill:

- **Online pharmacies**
 - ▶ Online pharmacies are currently working completely outside the law. Most of these websites have perhaps a licence for a physical shop or storage unit.
 - ▶ In case of a violation, **drug inspectors do not know under which provision of the law or Rule** they can proceed against the websites.
 - ▶ **The draft Bill states:** “No person shall himself or by any other person on his behalf sell, or stock or exhibit or offer for sale, or distribute, any drug by online mode except under and in accordance with a licence or permission issued in such manner as may be prescribed.”
- It also states that the central government can formulate Rules to regulate aspects of the industry for which the old law has no provisions.
- **Clinical trials and investigations:**
 - ▶ The draft Bill makes provisions for compensation to participants or their legal heirs for injury or death suffered in clinical trials and investigations for drugs and medical devices.
 - ▶ The draft also lays the onus of providing medical management for any injury arising due to the trial on the investigators.
 - ▶ The draft Bill prohibits clinical trials or clinical investigations of drugs and medical devices without permission from the central licensing authority.

- ▶ While companies have to seek permission from the regulator to conduct trials even now, this is not specifically mentioned in the existing law.
- ▶ The draft provides for debarring the investigators and sponsors of a trial or investigation if the laid-down provisions are not followed.
- **Medical devices:**
 - ▶ A **Drugs Technical Advisory Board (DTAB)** and a **Medical Devices Technical Advisory Board (MDTAB)** are planned to submit recommendations to the government from time to time on policy matters.
 - ▶ Under the ambit of medical devices defined by the draft Bill are **diagnostic equipment, their software, implants, and devices for assistance with disabilities, life support, instruments used for disinfection, and reagents or kits.**
 - ▶ The **1940 Act** has medical devices as one of **four categories of “drugs”**.
 - ▶ The draft proposes to allow the Union government to waive the requirement of conducting clinical investigations for the manufacture or import of a new medical device in public interest.

22. Centre introduces Antarctica Bill 2022

Context: Parliament passed the **Indian Antarctic Bill, 2022** aimed at having India’s own national measures for protecting the Antarctic environment and dependent and associated ecosystem.

About the Bill

- The Bill seeks to give effect to the **Antarctic Treaty**.
- The Bill aims to lay down a set of rules to regulate a range of activities on territories in Antarctica where India has set up research stations.

Aims and objectives:

- To provide for national measures to **protect the Antarctic environment and associated ecosystems** and to give effect to the Antarctic Treaty
- To provide a **harmonious policy framework** for India’s Antarctic activities through a well-established legal mechanism
- **Facilitate activities of the Indian Antarctic programme**, including management of Antarctic tourism and sustainable development of fisheries
- To **prohibit Indian expedition to Antarctica** or carrying of certain activities in Antarctica without a permit or the written authorisation of another party to the protocol
- To provide for inspection in India by an officer designated by the Central government as an Inspector and to constitute an inspection team to carry out inspections in Antarctica.

- Antarctic Treaty
- The Treaty was signed in 1959 by 12 countries.
- It was implemented in 1961, and India became a signatory to it in 1983.

Need for the Antarctic Legislation:

- The growing presence of Indian scientists in Antarctica and the commitment to Antarctic research and protection prompted the government to adopt domestic legislation consistent with its obligations as a member of the Antarctic Treaty system.
- These laws will **enable India’s courts to deal with disputes or crimes committed in parts of Antarctica**, and help build credibility vis-à-vis India’s participation.

23. Criminal Procedure (Identification) Act, 2022

Context: The **Criminal Procedure (Identification) Act 2022** has come into force after being passed by Parliament in April 2022.

Criminal Procedure (Identification) Act, 2022:

- The Act is going to replace a colonial-era law, the Identification of Prisoners Act, 1920.
- It provides Legal sanction to the police to take physical and biological samples of convicts as well as those accused of crimes.

Data that can be collected:

Finger-impressions, Palm-Print impressions, Footprint impressions, Photographs, Iris and Retina scans, Physical, Biological samples and their analysis, Behavioural Attributes including signatures, Handwriting or any other examination.

- The police as per **Section 53 or Section 53A** of the Code of Criminal Procedure (CrPC), 1973, can collect Data.
- Code of Criminal Procedure (CrPC), 1973 is the primary legislation regarding the procedural aspects of criminal law.
- Any person convicted, arrested or detained under any preventive detention law will be required to provide “measurements” to a police officer or a prison official.
- The **National Crime Records Bureau (NCRB)** will be the **central agency** to maintain the records.
 - ▶ It will share the data with law enforcement agencies.
 - ▶ States/UTs may notify agencies to **collect, preserve, and share data** in their respective jurisdictions.
 - ▶ The data collected will be **retained in digital or electronic** form for 75 years.
 - ▶ Records will be **destroyed in case of persons** who are acquitted after all appeals or released without trial.
 - ▶ However, in such cases, a **Court or Magistrate** may direct the retention of details after recording reasons in writing.
- It aims to ensure the **unique identification** of those involved with crime and to help to investigate agencies solve cases.
- Under both the **1920 Act and the 2022 Bill**, resistance or refusal to give data will be considered an offence of obstructing a public servant from doing his duty.

24. Assisted Reproductive Technology (Regulation) Act, 2021

- Context:**
- The Assisted Reproductive Technology (Regulation) Act, 2021 was approved by the Rajya Sabha last year in 2021.
 - The Act aims at the regulation and supervision of ART clinics and assisted reproductive technology banks, prevention of misuse, and safe and ethical practice of ART services.

Need of the Act

- The rising incidence of infertility is prompting individuals to opt for advanced treatment options including **In Vitro Fertilisation (IVF)**, thereby boosting the growth trajectory of fertility treatment services in India.
- The IVF industry is growing rapidly with over 2.5 lakhs cycles being performed every year.
- Further, the introduction of the ART & Surrogacy Regulations law is driving standardization and focus on quality.

Features of the Act

- **Accessibility:** The Act has categorically allowed only married infertile couples and women belonging to certain specified categories to access ARTs and surrogacy.
- **Eligibility Criteria:** The Act has capped the age of both women and men who can undergo the procedure. The thresholds have been defined at 21-50 for a woman and 21-55 for a man.
- **Compulsory Registration:** The Act mandates compulsory registration for every ART clinic and bank under the National Registry of Banks and Clinics of India. The Act prohibits the facilitation of ART procedures by any banks or clinics unless they are registered.
- **Duties and Obligations:** The Act has explicitly laid down numerous duties and obligations on ART banks and clinics.
 - ▶ The ART banks and clinics must ensure that the commissioning couple, woman, and donor are eligible to access the ART services.
 - ▶ The clinics are duty-bound to obtain the gametes from the banks and additionally ensure that the donor is medically tested for diseases.
 - ▶ The Banks and clinics must duly inform the couple or woman about the risks, procedures, and consequences of ART. A grievance redressal mechanism must be set by the banks and clinics.
- **Penalty Provisions:** Further to strictly enforce the provisions of the Act, several penalty provisions are formulated which include both fines and imprisonment.

ART services ranges from **gamete donation, intrauterine insemination, in-vitro fertilisation, intracytoplasmic sperm injection to pre-implantation genetic diagnostic and gestational surrogacy**, etc.

Rights of a child born through ART:

- A child born through the ART procedure holds the same rights as a natural heir or child of a couple.
- He/she would be deemed to be a biological child of the couple and would be entitled to all the rights and privileges available to a natural child of the commissioning couple.
- A donor will not have any rights over the child.

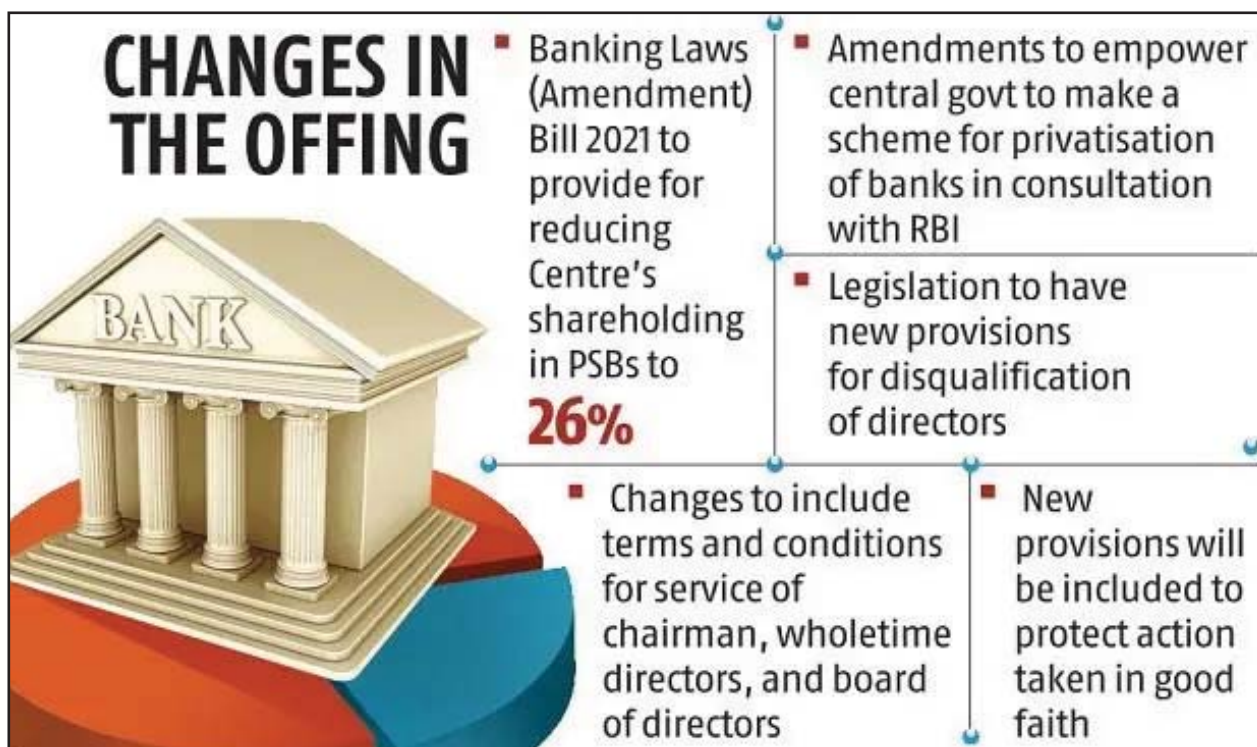
25. The Banking Laws (Amendment) Bill 2021

Context: The Bill seeks to amend the **Banking Companies (Acquisition and Transfer of Undertakings) Acts, 1970 and 1980** and incidental amendments to **Banking Regulation Act, 1949**.

Key provisions of the Bill:

- **The Government Shareholding in PSBs:** Provides for reducing the government's minimum shareholding in Public Sector Banks (PSBs) to 26%.

- ▶ **Note:** At present, the government has to hold 51% in PSBs at all times according to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.
- **Benefits of Reduced Government Shareholding in PSBs:** This will enable institutional and public investment in PSBs in turn helping the exchequer with better receipts. This would also help in privatisation and meeting the disinvestment targets, besides reducing lenders' dependence on the government for capital infusion.
- **Scheme for privatisation of PSBs:** The Bill would empower the government to make a scheme for privatisation of PSBs in consultation with the Reserve Bank of India (RBI).



- **Auditors of PSBs:** The bill seeks to replace provisions of the Companies Act, 1956, with the Companies Act, 2013 for conditions for auditors of PSBs, among others.
- **Disqualification of Directors:** The Bill will have provisions regarding the disqualification of directors. It will include terms and conditions for service of the chairman, whole-time directors and board of directors.
- **Remuneration of Directors:** The bill will insert clauses to determine the remuneration and compensation for whole-time directors and officers carrying out material risk-taking and control functions of new privatised banks.
- **Protection of Officers:** To protect the decision-making of bank executives, a new provision will also be included in the law to protect them for action taken in good faith.

26. Constitution (127th Amendment) Bill, 2021

Context: The Union Cabinet has cleared a Constitution as amendment Bill which seeks to give power to states and UTs to make their own **OBC lists**.

About the Bill:

- The bill will be the **Constitutional 127th Amendment Bill**.

- It will amend **Articles 342 A** and introduces clause **342 A (3)** that will specifically authorize states to maintain their **State List**.
 - ▶ **Seventh Schedule of Indian constitution:** There are three lists—Union, Concurrent and State.
 - ▶ Respective State Governments have exclusive power to legislate on matters relating to items listed in the State list.
- Besides, there will be an amendment in
 - ▶ Article 366(26C)
 - ▶ Article 338B (9)

How a Constitutional Amendment Bill is passed?

A Constitutional Amendment Bill must be passed in each House by a **majority of the total membership** of that House and by a majority of not less than two-thirds of the members of that House present and voting.

Core objective of the Bill:

Basically, the 127th Amendment Bill seeks to restore powers to states to notify backward classes, bypassing an earlier 5 May 2021 verdict of the Supreme Court which allowed only the Centre to notify socially and educationally backward classes (SEBCs).

SC's Judgment on 102nd Constitutional Amendment

- In a categorical verdict while hearing the Maratha quota issue, the Supreme Court had on 5 May 2021 upheld the 102nd Constitutional Amendment, saying that the President, based on the recommendations of the National Commission for Backward Classes (NCBC), would determine which communities would be included on the state OBC list.
- The 102nd Amendment Act raised the issue of the single Central list of SEBCs taking away the powers of the states to prepare their own list of OBCs.

102nd Constitution Amendment Act

- The **102nd Constitution Amendment Act** inserted three new articles, namely, **342A, 366 (26C) and 338B**, in the Constitution.
 - ▶ **Article 338B** deals with the structure, duties and powers of the National Commission for Backward Classes
 - ▶ **Article 342A** that deals with the powers of the President of India to notify a particular caste as **Socially and Educationally Backward Communities (SEBCs)** and the power of Parliament to change the list.
 - ▶ **Article 366 (26C)** defines SEBCs.

27. Airports Economic Regulatory Authority of India Bill 2021

Context The Parliament passed the bill which seeks to encourage smaller airports to expand air connectivity to relatively remote and far-flung areas.

Key-highlights

- The bill will amend the **Airports Economic Regulatory Authority of India Act, 2008**.
- The Bill intends to aide government’s plan for privatisation of smaller airports as part of its asset monetisation programme announced during the budget for 2021-22.
- The Bill also promises to help in the faster development of the smaller airports and expediting the regional air connectivity **UDAN scheme** by expanding the air connectivity to relatively remote areas.

28. Criminal Procedure (Identification) Act, 2022

Context After being approved by the Parliament of India in April 2022, the Criminal Procedure (Identification) Act, 2022 ultimately went into effect.

Need of the Act

- Over the years, the need to amend/update the Identification of Prisoners Act, 1920 has been voiced several times.
- In 1980, the 87th Report of the Law Commission of India undertook a review of this legislation and recommended several amendments.

Key-highlights

- It repeals the Identification of **Prisoners Act of 1920**, a colonial-era statute that allowed police to measure suspects who had been convicted, detained, or were awaiting trial.
- The **Criminal Procedure (Identification) Act, 2022** provides legal sanction to law enforcement agencies for “taking measurements of convicts and other persons for the purposes of identification and investigation of criminal matters”.

29. The General Insurance Business (Nationalisation) Amendment Bill, 2021

Context The General Insurance Business (Nationalisation) Amendment Bill, 2021 was passed by the Rajya Sabha.

What is the bill all about?

- The General Insurance Amendment Bill aims to push greater private participation in the public sector insurers.
- The bill seeks to remove the requirement that the Centre should hold not less than 51 per cent of the equity capital in such insurers.
- The **General Insurance bill seeks to amend the General Insurance Business (Nationalisation) Act, 1972**. This law dealt with nationalising all private general insurers in the country.
- Under it, the General Insurance Corporation (GIC) of India — abbreviated as GIC Re — was set up.
- National Insurance, New India Assurance, United India and Oriental Insurance became its subsidiaries.

30. Wildlife (Protection) Amendment Act, 2022

Context: The government notified the Wild Life (Protection) Amendment Act, 2022, intended to strengthen the protection of endangered species and enhance punishment for illegal wildlife trade.

About the Act:

- India is a signatory to the **Convention on International Trade in Endangered Species** of Wild Fauna and Flora that required certain legislative actions.
 - ▶ This amendment proposed a new schedule for species listed in the Appendices under CITES.
- The words “protection of wild animals, birds, and plants”, mentioned under the **Wild Life (Protection) Act, 1972** have been substituted with the words “**conservation, protection and management of wildlife**”.
- **Rationalising schedules:**
 - ▶ The previous Act has **six schedules** for specially protected plants (one), specially protected animals (four), and vermin species (one).
 - ▶ **The 2022 Act reduces it to four by:**
 - Reducing the number of schedules for specially protected animals to two (one for greater protection level)
 - Removes the schedule for vermin species
 - Inserts a new schedule for specimens listed in the Appendices under CITES (scheduled specimens).
 - ▶ **Obligations under CITES:** The Act authorizes the central government to designate the rules.
- **Management Authority:** Which grants export or import permits for the trade of specimens
- **Scientific Authority:**
 - ▶ This gives advice on aspects related to the impact on the survival of the specimens being traded.
 - ▶ It prohibits any person from modifying or removing the identification mark of the specimen.
 - ▶ Every person possessing live specimens of scheduled animals must obtain a registration certificate from the Management Authority.
- **Invasive alien species:**
 - ▶ It empowers the central government to regulate or prohibit the import, trade, possession, or proliferation of invasive alien species.
- **Conservation reserves:**
 - ▶ Under the previous Act, state governments may declare areas adjacent to national parks and sanctuaries as a conservation reserve, for protecting flora and fauna, and their habitat.
 - ▶ The new Act empowers the central government to also notify a conservation reserve.
- **Penalties:**
 - ▶ Fines has been increased for violating the provisions of the Act.

Schedules in WPA, 1972:

It has six schedules which give varying degrees of protection.

- **Schedule I and part II of Schedule II:** Absolute protection – offenses under these are prescribed the highest penalties.
- **Schedule III and Schedule IV:** Species are protected, but the penalties are much lower.
- **Schedule V:** Animals (e.g. common crows, fruit bats, rats, and mice), are legally considered vermin and may be hunted freely.
- **Schedule VI:** Specified endemic plants are prohibited from cultivation and planting.

31. Forest Rights Act 2022

Context: In order to declare any area as 'protected', there must be consultations with the local populations, as they are the most affected one.

About the Act:

- The Act seeks to act as an extension to the mandate under the Fifth and Sixth Schedule of the Constitution of India that seeks to protect the ingenious communities.
- It also envisages encouraging local self-governance at the level of the inhabitants.
- The Act guarantees rights for forest dwellers within different categories.
 - ▶ For the usage of forest resources – **Section 3(1) (c) guarantees the forest dwellers the right to use minor traditionally obtained forest resources like tendu or herbs.**

Provision of the Act:

- The Scheduled Tribes (Recognition of Forest Rights) Act seeks to recognise forest rights of forest dwelling Scheduled Tribes (FDSTs) who have been occupying the land before October 25, 1980 (or three generation till 2005).
- An FDST nuclear family would be entitled to the land currently occupied subject to a maximum of 2.5 hectares. The land may be allocated in all forests including core areas of National Parks and Sanctuaries.
- In core areas, an FDST would be given provisional land rights for five years, within which period he would be relocated and compensated. If the relocation does not take place within five years, he gets permanent right over the land.
- The Bill outlines 12 forest rights which include the right to live in the forest, to self-cultivate, and to use minor forest produce. Activities such as hunting and trapping are prohibited

Rights under the Forest Rights Act:

The Act **delineates 12 rights of FDSTs** over a variety of subjects including:

- Living in the forest for habitation or for self-cultivation for livelihood,
- Community rights such as;
 - ▶ Right to own, use or dispose of minor forest produce,
 - ▶ Conversion of forest village to revenue village,
 - ▶ Conversion of pattas or leases issued by any local authority or any state government on forest land to titles, and other traditional customary rights.
- Customary rights exclude hunting, trapping or extracting body parts of any wild animal.
- FDSTs also cannot indulge in any activity that adversely affects wild animals, forests and the biodiversity in the local area and need to ensure that adjoining catchments areas and water sources are adequately protected.

32. EIA rules amended

Context: Environmental activist censored for encouraging public participation in consultation process of Drafting of Environment Impact Assessment Notification 2020.

Environmental Impact Assessment (EIA):

- EIA links environment with development for environmentally safe and sustainable development.
- EIA provides a cost-effective method to eliminate or minimize the adverse impact of developmental projects.
- EIA enables the decision makers to analyse the effect of developmental activities on the environment well before the developmental project is implemented.
- EIA encourages the adaptation of mitigation strategies in the developmental plan.
- EIA makes sure that the developmental plan is environmentally sound and within the limits of the capacity of assimilation and regeneration of the ecosystem.
- EIA does not give decisions but its findings should be considered in policy- and decision-making and should be reflected in final choices. Thus it should be part of the decision-making process.
- The findings of EIA should be focused on the significant and essential issues. It is also required to provide a sufficient explanation on why they are important, and study its validity in order to facilitate a basis for policy decisions.

Key provisions:

- The 2020 draft consolidates the EIA rules and has the potential of alleviating some ambiguity in the present law.
- The 2020 draft **offers no remedy for the political and bureaucratic stronghold on the EIA process**, and thereby on industries.
- Instead, It proposes to **bolster the government's discretionary power while limiting public engagement** in safeguarding the environment.
- While projects concerning national defence and security are naturally considered strategic, the **government gets to decide on the "strategic" tag** for other projects.
- The 2020 draft says **no information on "such projects shall be placed in the public domain"**. This opens a window for summary clearance for any project deemed strategic without having to explain why.
- Additionally, the new draft **exempts a long list of projects from public consultation**.
- For example, linear projects such as roads and pipelines in border areas will not require any public hearing. The **'border area' is defined as "area falling within 100 kilometres aerial distance from the Line of Actual Control with bordering countries of India."**
- That would cover much of the Northeast, the repository of the country's richest biodiversity.

Government has time and again appointed committees to look into environmental protection.

Example- **Gadgil and Kasturirangan Committees** on Western Ghats ecology.

33. Biological Diversity Amendment Bill 2021

Context: The Biological Diversity Amendment Bill 2021 has been tabled in the Lok Sabha in December 2021.

Background:

- India's Biological Diversity Act is rooted in the **Convention on Biological Diversity (CBD)**, an international treaty that India ratified in 1994.
- The treaty calls on its signatories to conserve their biodiversity and sustainably use their biological resources in a fair and equitable manner.

Biological Diversity (Amendment) Bill, 2021 seeks to:

- Reduce the pressure on wild medicinal plants by encouraging the cultivation of medicinal plants
- Exempts Ayush practitioners from intimating biodiversity boards for accessing biological resources or knowledge
- Facilitates fast-tracking of research, simplify the patent application process, decriminalises certain offences
- Bring more foreign investments in biological resources, research, patent and commercial utilisation, without compromising the national interest.
- **Promoting Traditional Medicines:**
 - ▶ The Bill 2021 exempts **Ayush practitioners** from the ambit of the Biological Diversity Act, 2002, and facilitates access to biological resources and traditional knowledge by the Indian traditional medicine sector.
 - ▶ It allows people practising traditional Indian systems of **medicine – vaid, hakims, registered AYUSH practitioners, companies making medicinal products** – to continue their business without needing to take permission from the National Biodiversity Authority (NBA) for the use of biological resources.

Biological Diversity Act 2002:

- The Act aims to conserve India's biological diversity, ensure biological resources – including **genetic resources and traditional ecological knowledge** – are used in sustainable fashion, and that the benefits accrued from their use are shared with local communities in a fair and equitable manner.
- The last bit is formally derived from the '**Access and Benefit Sharing**' model defined by the **Nagoya Protocol**.

Implementation and Management:

Biological Diversity Act establishes a three-tier, decentralised system to achieve its goals:

- **Local level:** Biodiversity Management Committees (BMCs) at the level of local self-government bodies such as Panchayats implement conservation activities.
- These include developing 'Peoples' Biodiversity Registers' that document the flora, fauna and associated traditional knowledge of people in the area.
- **State level:** State Biodiversity Boards (SBBs) advise their respective state governments on issues related to biodiversity conservation and sustainable use.
- **National level:** The National Biodiversity Authority (NBA) performs "facilitative, regulatory and advisory functions" to conserve genetic resources and ensure benefits are shared fairly – including issue permits to use certain resources

34. The Mines and Minerals (Development and Regulation) Amendment Bill, 2021

Context: The Bill was introduced in Lok Sabha on March 15, 2021. The Bill amends the Mines and Minerals (Development and Regulation) Act, 1957.

Key provision of the Bill:

- **Removal of restriction on end-use of minerals:** The Act empowers the central government to reserve any mine (other than coal, lignite, and atomic minerals) to be leased through an auction for a particular end-use (such as iron ore mine for a steel plant). Such mines are known as captive mines.
 - ▶ The Bill provides that no mine will be reserved for particular end-use.

- **Sale of minerals by captive mines:** The Bill provides that captive mines (other than atomic minerals) may sell up to 50% of their annual mineral production in the open market after meeting their own needs.
 - ▶ The central government may increase this threshold through a notification.
- **Auction by the central government in certain cases:** Under the Act, states conduct the auction of mineral concessions (other than **coal, lignite, and atomic minerals**).
 - ▶ The Bill empowers the **central government to specify a time period** for completion of the auction process in consultation with the state government.
 - ▶ If the **state government** is unable to complete the auction process within this period, the auctions may be conducted by the **central government**.
- **Transfer of statutory clearances:** Upon expiry of a mining lease (other than coal, lignite, and atomic minerals), mines are leased to new persons through auction.
- **Allocation of mines with expired leases:** The Bill adds that mines (other than coal, lignite, and atomic minerals), whose lease has expired, may be allocated to a government company in certain cases.
 - ▶ This will be applicable if the auction process for granting a new lease has not been completed, or the new lease has been terminated within a year of the auction.
 - ▶ The state government may grant a lease for such a mine to a government company for a period of up to 10 years or until the selection of a new lessee, whichever is earlier.
- **Extension of leases to government companies:** The Act provides that the period of mining leases granted to government companies will be prescribed by the central government.
 - ▶ The Bill provides that the period of mining leases of government companies (other than leases granted through auction) may be extended on payment of additional amount prescribed in the Bill.
- **Conditions for lapse of mining lease:** The Act provides that a mining lease will lapse if the Lessee: (i) is not able to start mining operations within two years of the grant of a lease, or (ii) has discontinued mining operations for a period of two years.
 - ▶ The Bill adds that the **threshold period for lapse** of the lease may be **extended by the state government** only once and **up to one year**.
- **Non-exclusive reconnaissance permit:** The Act provides for a non-exclusive reconnaissance permit (for minerals other than coal, lignite, and atomic minerals).
 - ▶ Reconnaissance means preliminary prospecting of a mineral through certain surveys. The Bill removes the provision for this permit.

35. Trade Unions Act 1926

Context: There have been many reports of lay-offs in the last few months, especially in emerging sectors. Lay-offs have been taking place not only in India, but in major economies like the U.S. too.

What is the Framework Regarding Labours in India?

- **Constitutional Framework:** Under the Constitution of India, Labour as a subject is in the Concurrent List and, therefore, both the Central and the State governments are competent to enact legislations subject to certain matters being reserved for the Centre.
- **Judicial Interpretation:** In the case of **Randhir Singh vs. Union of India**, the Supreme Court stated that “Even though the principle of ‘Equal pay for Equal work’ is not defined in the Constitution of India, it is a goal which is to be achieved through Article 14, 16 and 39 (c) of the Constitution of India.

- ▶ **Article 14:** It provides for equality before the law or equal protection of the laws within the territory of India.
- ▶ **Article 16:** It talks about the right of equal opportunity in the matters of public employment.
- ▶ **Article 39(c):** It specifies that the economic system should not result in the concentration of wealth and means of production to the detriment of the entire society.
- **Legislative Framework:** There have been several legislative and administrative initiatives taken by the government to improve working conditions and simplify labour laws. Most recent is the consolidated sets of 4 labour codes which are yet to be implemented.
- **Labour Codes:**
 - ▶ Code of Wages, 2019
 - ▶ Industrial Relations Code, 2020
 - ▶ Social Security Code, 2020
 - ▶ Occupational Safety, Health and Working Conditions Code, 2020
 - ▶ The implementation process is delayed as states are yet to finalise their rules under these codes.

The **Madras Labour Union, set up in 1918**, is considered the first trade union in India to be formed systematically.

- Today, there are more than 75,000 registered and an unaccounted number of unregistered trade unions scattered across a large spectrum of industries in India.

Trade union Act:

- Trade unions in India are governed by the **Trade Unions Act (TU Act)**. The TU Act legalizes the formation of trade unions and provides adequate safeguards for trade unions' activities.
- It defines a "trade union" as "any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive condition on the conduct of any trade or business, and includes any federation of two or more trade unions."
- The TU Act is administered by the Ministry of Labour through its **Industrial Relations Division (IRD)** as well as by state governments.
- The IRD is concerned with improving the institutional framework related to settlement of disputes and amendment of labour laws regarding industrial relations; state governments are concerned with monitoring adherence to the law by all involved parties.

36. Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022

- The Bill amends the 2005 version of the Act, which prohibits the unlawful manufacture, transport, or transfer of **weapons of mass destruction (WMD)**, including chemical, biological and nuclear weapons and their means of delivery.

- It includes the **prohibition of financing any activity related to WMD** and their delivery systems and gives the central government the power to crack down on financial sources suspected of catering to the same.

37. Delhi Municipal Corporation (Amendment) Bill, 2022:

- This amendment Bill was introduced when Delhi was gearing up for Municipal Corporation elections, which were then halted.
- This Bill amended the **Delhi Municipal Corporation Act of 1957**, which was in turn amended by the Delhi Legislative Assembly in 2011, to divide the Municipal Corporation of Delhi into **three bodies— North, South, and East**.
- The new amendment merged all three bodies into one.

Municipal body:

- The system of **Municipalities or Urban Local Governments** was constitutionalised through the **74th Constitutional Amendment Act of 1992**.
- The provisions in this amendment are included in Part IXA which came into force on June 1, 1993. Therefore, it gave a constitutional foundation to the local self-government units in urban areas.

38. The Family Courts (Amendment) Bill, 2022

- This Bill pertained only to **Himachal Pradesh and Nagaland**.
- It amends the **Family Courts Act, 1984**, and extends the application of the Act to the mentioned States.
- Governments in both **Nagaland and Himachal Pradesh** had already set up family courts under the 1984 Act before it was applicable there.

39. The New Delhi International Arbitration Centre (Amendment) Bill, 2022

- Parliament has passed the **New Delhi International Arbitration Centre (Amendment) Bill, 2022**.
- The Bill amends the **New Delhi International Arbitration Centre Act, 2019**.
- The Bill renames the New Delhi International Arbitration Centre as the **India International Arbitration Centre**.
- The Act requires the Arbitration Centre to strive to facilitate the conduct of international and domestic arbitration and conciliation and the new legislation expands this to include the conduct of other forms of alternative dispute resolution.

40. The Energy Conservation (Amendment) Bill, 2022

- This Bill facilitates the promotion of **Green Hydrogen** as an alternative to fossil fuels used by industries and incentivises **efforts to use clean energy**.
- The Bill cleared the decks for “mandate use of non-fossil sources”, including Green Hydrogen, green ammonia, biomass and ethanol for energy and feedstock and establish carbon markets in the country.

- The Bill is aimed to bring large residential buildings, with a minimum connected load of 100 kilowatt (kW) or contract demand of 120 Kilovolt Ampere (kVA), within the fold of Energy Conservation regime.

41. The Prohibition of Child Marriage (Amendment) Bill, 2021

- Parliamentary Panel on Education, Women, Children, Youth and Sports has got an extension to analyse 'The Prohibition of Child Marriage (Amendment) Bill, 2021'.
- The Bill amends **The Prohibition of Child Marriage Act, 2006 ("PCMA")** to raise the minimum marriageable age of females from **18 to 21**.
- Under **Section 2(a)**, 'child' is defined as a male or female who has not completed twenty-one years of age.
- To this effect, the Bill also amends the following Acts:
 - ▶ Indian Christian Marriage Act, 1872
 - ▶ Parsi Marriage and Divorce Act, 1936
 - ▶ Special Marriage Act, 1954
 - ▶ Hindu Marriage Act, 1955
 - ▶ Foreign Marriage Act, 1969
- Thus, the Bill has an overriding effect over any other laws, customs, usage or practice governing the parties to the marriage.

42. Sedition Law, Again

- The law is being debated after being laid dormant by the Supreme Court in May last year.

About the Sedition Law

- The sedition law is enshrined in **Section 124A** of the **Indian Penal Code (IPC)**.
- It was introduced by the **British government, in 1870**, to tackle dissent against colonial rule.

Sedition law introduction in India

- The law was used to suppress the writings and speeches of Indian nationalists and freedom fighters.
 - The first application of the law was the trial of newspaper editor **Jogendra Chandra Bose** in 1891.
 - Other prominent examples of the application of the law include the trials of **Tilak (1897) and Gandhi (1922)**. **Jawaharlal Nehru, Vinayak Damodar Savarkar, and Abul Kalam Azad** were also charged with sedition.
- According to the **section 124A**, the charges could be put on whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India.
 - He/She shall be punished with imprisonment for life, to which a fine may be added; or, with imprisonment which may extend to three years, to which a fine may be added; or, with fine."

43. RTI Act

Context The Right to Information (RTI) Act was aimed at giving people access to the records of the Central and State governments.

What is the Right to Information?

- RTI is an act of the parliament that sets out the rules and procedures regarding citizens' **right to information**.
- It replaced the former **Freedom of Information Act, of 2002**.
- Under the provisions of the RTI Act, any citizen of India may request information from a “public authority” (a body of Government or “instrumentality of State”) which is required to reply expeditiously or within 30 days.
- In case of a matter involving a petitioner's life and liberty, the information has to be provided within 48 hours.
- The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request information formally.

Governing of the RTI

- The Right to information in India is governed by two major bodies:
 - ▶ **Central Information Commission (CIC)** – Chief Information commissioner who heads all the central departments and ministries- with their own public information officers (PIOs). CICs are directly under the President of India.
 - ▶ **State Information Commissions (SIC)** – State Public Information Officers or SPIOs head over all the state departments and ministries. The SPIO office is directly under the corresponding State Governor.

Benefits of RTI	Major Issues
<ul style="list-style-type: none"> ◦ Greater accessibility to information ◦ Efficient governance ◦ Citizen's participation ◦ Government obligation ◦ Maintenance of public record 	<ul style="list-style-type: none"> ◦ Lack of awareness of this law and lack of widespread adoption. ◦ Lack of accountability: Public information officers use words like this division does not have the information. ◦ Under RTI Act, liability is on the officer to find out who is holding the information and transfer the RTI application. ◦ Large numbers of denials where people are just told that this information cannot be provided to them, which is an illegal denial. ◦ Maintaining datasets and information: putting information in the public domain has become a big problem.

Why is RTI empowering legislation for people?

- **Obligation on the government** to respond to them in a time-bound manner
- **To get the information** to hold the government accountable.
- **Balance of power** in favour of those governed.

44. 'Constitutionality' of the First Amendment Act, 1951

Context Recently, the **Supreme Court (SC)** has agreed to view the plea challenging the 'Constitutionality' of the **First Amendment Act, 1951** which had put the reasonable restrictions under clause(2) of Article 19 (a) of Freedom of Speech and Expression.

Reasons behind Amendment:

- To remove certain practical difficulties created by the court's decision in several cases such as **Kameshwar Singh Case, Romesh Thapar Case, etc.**
- Issues involved in the cases included **freedom of speech**, acquisition of the Zamindari land, State monopoly of trade, etc.

The 1st Amendment Act, 1951:

- Empowered the state to make special provisions for the advancement of socially and economically backward classes.
- Provided for the saving of laws providing for the acquisition of estates, etc.
- **Added Ninth Schedule** to protect the land reforms and other laws included in it from judicial review. After Article 31, Articles 31A and 31B were inserted.
- Added three more grounds for restrictions on freedom of speech and expression: public order, friendly relations with foreign states, and incitement to an offense. Also, it made the restrictions 'reasonable' and thus, justiciable in nature.
- Provided that state trading and nationalisation of any trade or business by the state is not to be invalid on the **ground of violation of the right to trade or business.**

45. Finance Bill, 2023

Context The Finance Minister, as part of the Union Budget 2023-24, has announced a number of direct tax and indirect tax proposals/ amendments. Below is a high-level summary of few key direct and indirect tax amendments/ proposals introduced by the Finance Bill, 2023

About Finance Bill

- The Finance Bill concerns the country's finances. It is a bill that contains the financial proposals for the upcoming financial year.
- As per the **Article 110** of the Constitution of India, **Finance Bill is also a Money Bill.**

Features of the Finance Bill

- Finance Bills are divided into three classes –
 - ▶ Finance Bill Category I
 - ▶ Finance Bill Category II
 - ▶ Money Bill
- A money bill is deemed to be a Money Bill only if it contains provisions related to
 - Taxation

- Borrowing of money by the government
- Expenditure from or receipt to the **consolidated fund of India**
- Bills that only contain provisions that are incidental to these matters would also be regarded as Money Bills.
- Both categories of Finance Bills contain provisions related to expenditure, taxation, or any other matter.
- All money bills are financial bills, but not all financial bills are money bills.

Finance Bill Vs Money Bill

- **Money Bill:** As per **Section 110 of the Constitution**, a money bill has to be introduced in the Lok Sabha.
 - ▶ Then, it is transmitted to the Rajya Sabha for its recommendations.
 - ▶ The Rajya Sabha has to return the Bill with recommendations in 14 days. However, the Lok Sabha can reject all or some of the recommendations.
- **Finance Bill:** On the other hand, Finance Bill, as per **Article 117 of the Constitution** categorically lays down that a Bill shall not be introduced or moved except with the President's recommendation under some special provisions.
- A Bill that makes such provisions shall not be introduced in the Rajya Sabha.

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Material

PRACTICE MCQS

1. **With reference to Rashtriya Aarogya Nidhi, consider the following statements:**

1. The ration card is the only document required to avail the scheme benefits.
2. The financial assistance of Rs. 2 Lakh is to be provided for every individual under the scheme.
3. Rashtriya Aarogya Nidhi has been registered under the Societies Registration Act, 1860.

Which of the statements given above are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

2. **Consider the following statements regarding foreign funded religious conversions in India:**

1. Article 15(3) of the constitution allows the state to make special provisions for women and children.
2. Rules under Foreign Contribution Regulation Act (FCRA) scrutinises funding of NGOs particularly for fraudulent religious conversion.

Which of the statement(s) given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

3. **Consider the following statements regarding the National Food Security Act, 2013:**

1. Public Distribution System (PDS) is governed by provisions of the Act.
2. The Act entitles 35 kg of food grains per Antodaya Anna Yojana Household per year.
3. State/UT Government are independent to frame its own criteria for identification of beneficiaries.

Which of the statements given above are correct?

- (a) 1 and 3 only
- (b) 2 and 3 only
- (c) 1 and 2 only
- (d) 1, 2 and 3

4. **Consider the following statements regarding the provisions of Criminal Amendment Act, 2013:**

1. It increases the age of consent for a sexual intercourse from 16 to 18 years.
2. Section 376(2) of the Act does not include rape committed by a member of armed forces deployed by the Central or a State Government.
3. The amendments in the Act were made in lines with the Justice Verma committee report which suggested marital rape as an offence.

Which of the statement(s) given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1, 2 and 3
- (d) 1 and 3 only

5. **India enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999 in order to comply with the obligations to:**

- (a) International Labour Organization
- (b) International Monetary Fund
- (c) United Nations Conference on Trade and Development
- (d) World Trade Organisation

6. **Consider the following statements:**

1. Article 345 of the Constitution ensures power to the State government for choosing an official language of their choice.
2. Hindi is the official language as per the Official language Act, 1963.

Which of the statement (s) given above is/ are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

7. Consider the following statements:

1. Under the Wildlife Protection Act, 1972, only indigenous turtles can be kept as pets in India.
2. 'Red-eared Slider Turtle' is an Indian native species of turtle that is considered as one of the world's worst invasive species.

Which of the above statements is/are *incorrect*?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

8. With reference to legal provisions regarding forests in India, consider the following statements:

1. State governments require statutory clearance from the centre before forests can be used for any non-forest purpose such as industry, mining, or construction.
2. Under the Forest Conservation Act, 1980, centre can define any land area as forest which is not already classified as forest in the Central or state records.

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

9. **Regarding the Information Technology Act 2000, consider the following statements:**

1. Section 69A of the act mentions the provision for jail up to 7 years under any online offence violating sovereignty or integrity of India.
2. The Government can issue Blocking Rules against any individual under the act.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

10. **Consider the following:**

1. Suffering From Mental breakdown
2. Unmarried women
3. Foetal Abnormalities
4. Risk to life
5. Rape and sexual assault victims

Which of the criteria given above are correct in accordance with aborting a child in 24 weeks as per the medical termination of pregnancy Amendment Act, 2021?

- (a) 1, 2, and 4 only
- (b) 3 and 5 only
- (c) 1, 2, 3,4 and 5 only
- (d) 1, 3, 4 and 5 only

11. **With reference to the personal data protection bill 2019, consider the following statements:**

1. Data localization rights from the big tech companies have been transferred to the Government.
2. The Bill has been abolished after the recommendations of the Joint parliamentary committee.

Which of the statements given above is/are *incorrect*?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

12. **With reference to Prevention of Money Laundering Act, 2002, consider the following statements:**

1. It enables government authorities to confiscate property and/or assets earned from illegal sources and through laundering of public money.
2. The provision of this act applies to all financial institutions, their financial intermediaries and banks, including RBI.

3. No person accused of an offence under the act can be released on bail.

Which of the above statement(s) is/are correct?

- (a) 1 only
(b) 1 and 2 only
(c) 2 and 3 only
(d) 1, 2 and 3

13. With reference to the legal provisions regarding corporal punishment in India, consider the following statements:

1. The Juvenile Justice Act prohibits 'physical punishment' and 'mental harassment' of children and makes it a punishable offence.
2. Under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, every school has to constitute a 'Corporal Punishment Monitoring Cell' to look into complaints of corporal punishments.

Which of the above statements is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 and 2

14. Consider the following statements:

1. Election commission can deregister the faulty political parties.
2. The Representation of People act, 1951 is the governing law for rights of political parties as well as the voters.

3. Under section 24A of the RPA 1951, there is no legal inquiry for funding of political parties up to 20,000.

Which of the statement given above are correct?

- (a) 1 and 2 only
(b) 2 and 3 only
(c) 1 and 3 only
(d) 1, 2 and 3

15. With reference to National Financial Reporting Authority (NFRA), consider the following statements:

1. It is the statutory agency for auditing and accounting standards in India.
2. NFRA has been set up under the Companies Act 2013.
3. It keeps account of financial statements of both listed and unlisted companies.

Which of the above statements are correct?

- (a) 1 and 3 only
(b) 2 and 3 only
(c) 1 and 2 only
(d) 1, 2 and 3

ANSWER KEY

1. (b)	2. (c)	3. (a)	4. (d)	5. (d)
6. (b)	7. (c)	8. (a)	9. (c)	10. (c)
11. (a)	12. (b)	13. (d)	14. (b)	15. (b)



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